



DTIC/TR-97-7



DoD STINFO Manager Training Course



STINFO Documentation

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13. ABSTRACT (Maximum 200 words) This compilation is an integral part of the training material for DTIC's DoD STINFO (Scientific and Technical Information) Manager Training Course. It includes regulations, forms, and other documentation that support the DoD Scientific and Technical Information Program (STIP) and the implementing military services programs. The compilation is an aid to the operation and management of STI activities. The document is organized into tab index dividers for insertion in a binder, facilitating updating by the user. The table of contents lists the inclusive titles and includes a brief description of the purpose of each publication. Attendance at the course includes the training manual and the STINFO Documentation.				
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DoD STINFO MANAGER TRAINING COURSE STINFO DOCUMENTATION

FOREWORD

This compilation is an integral part of the training material for DTIC's DoD STINFO (Scientific and Technical Information) Manager Training Course. It includes regulations, forms, and other documentation that support the DoD Scientific and Technical Information Program (STIP) and the implementing military services programs. It is an aid to the operation and management of STI activities. Attendance at the course includes the training manual and the STINFO Documentation. This edition supersedes AD-A302211.

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- 1-1. DoDD 2002.3, *Clearance of Research and Studies with Foreign Affairs Implications*. The directive defines the policy and procedures and assigns responsibilities and authorities for clearance of foreign area research study grants and contracts that may have potentially adverse implications for U.S. foreign relations.
- 1-2. DoDD 3200.12, *DoD Scientific and Technical Information Program*. The directive defines the overall concepts and assigns responsibilities for the operation and management of the DoD Scientific and Technical Information Program (STIP). The directive was reissued in 1998. There is also an implementing instruction, DoDI 3200.14, *Principles and Operational Parameters of the DoD Scientific and Technical Information Program*.
- 1-3. DoDI 3200.14, *Principles and Operational Parameters of the DoD Scientific and Technical Information Program*. The instruction implements policy, assigns responsibilities, and prescribes procedures under DoDD 3200.12, *DoD Scientific and Technical Information Program*. Enclosures 3 through 7 define the major elements of the DoD STIP. The instruction is dated May 13, 1997 and replaces DoD 3200.12-R-1, *Research and Technology Work Unit Information System Regulation*, DoD 3200.12-R-2, *Centers for Analysis of Scientific and Technical Information Regulation*, and DoDI 5200.21, *Dissemination of DoD Technical Information*. An Administrative Reissuance Incorporating through Change 3 was issued on June 28, 2001.
- 1-4. DoDD 3204.1, *Independent Research and Development (IR&D) and Bid and Proposal (B&P) Program*. The directive establishes policy and assigns responsibilities for both the technical and business aspects of IR&D and B&P activities. There is, also, an *IR&D Database Contributor's Guide*. The instruction was reissued as a directive in 1999 with a new title.
- 1-5. DoDD 4205.2, *Acquiring and Managing Contracted Advisory and Assistance Services (CAAS)*. The directive was reissued in 1992 and updates policy, responsibilities, and procedures for a disciplined approach to the management, acquisition, and use of CAAS resources to meet DoD requirements. CAAS include studies and analyses.

- 1-6. E.O. 12958 (and Amendments), *Classified National Security Information*. The Executive Order prescribes a uniform system for classifying, safeguarding, and declassifying national security information. The latest one was issued on April 17, 1995 and took effect on October 14, 1995. E.O. 12958 was amended with E.O. 12972, dated September 18, 1995, and E.O. 13142, dated November 19, 1999.
- 1-7. DoDD 5200.1, *DoD Information Security Program*. The directive defines the policy, procedures, and responsibilities for controlling classified information. There are a number of supporting documents. The directive was reissued in December 1996.
- 1-8. DoD 5200.1-PH, *DoD Guide to Marking Classified Documents*. The pamphlet is authorized by DoDD 5200.1, *DoD Information Security Program*, and is an illustrative guide to the proper marking of all types of classified information. The pamphlet was reissued in 1997.
- 1-9. DoDD 5220.22, *DoD Industrial Security Program*. The directive, dated December 8, 1980, establishes the Defense Industrial Security Program (DISP) and sets policy for the release of classified information to industry. There are four authorized publications. The DISP was replaced by the National Industrial Security Program (NISP) in 1993. DoD 5220.22-M, *Industrial Security Manual for Safeguarding Classified Information*, is now called the *NISP Operating Manual (NISPOM)*, dated January 1995. A supplement was also issued in 1995.
- 1-10. DoDD 5230.9, *Clearance of DoD Information for Public Release*. The directive governs the security and policy review of all DoD information proposed for release to the public. The directive was reissued in 1996, and an Administrative Reissuance Incorporating Change 1 was issued July 15, 1999.

DoDI 5230.29, *Security and Policy Review of DoD Information for Public Release*. The instruction implements policy, assigns responsibilities, prescribes procedures for conducting the review, and identifies information that must be cleared before public release, including STINFO assigned Distribution Statement A. The instruction was reissued in 1999.
- 1-11. DoDD 5230.11, *Disclosure of Classified Military Information to Foreign Governments and International Organizations*. The directive was reissued in 1992 and prescribes policy, responsibilities, and procedures for the disclosure of classified military information to foreign governments and international organizations. It canceled DoDI 5230.17, *Procedures for Disclosure of Classified Military Information to Foreign Governments and International Organizations*, incorporating and expanding on the procedures.

- 1-12. DoDD 5230.20, *Visits, Assignments, and Exchanges of Foreign Nationals*. The directive was reissued in 1998 with a new title and updates policy and responsibilities governing visits and assignments, including exchanges, of foreign nationals to the DoD Components and certain contractor facilities. One new program is established - the Foreign Liaison Officers (FLOs) Program - and the policy for the assignment of Cooperative Program Personnel is established.
- 1-13. DoDD 5230.24, *Distribution Statements on Technical Documents*. The directive establishes the DoD distribution statement system, including controls for export-controlled information.
- 1-14. DoDD 5230.25, *Withholding of Unclassified Technical Data from Public Disclosure*. The directive implements the DoD authority to withhold from public disclosure technical information that is determined to be export-controlled.
- 1-15. DoD 5230.25-PH, *Control of Unclassified Technical Data with Military and Space Application*. The pamphlet is a clear and concise guide to why DoD received the authority to withhold export-controlled technical information. It outlines key provisions of DoDD 5230.24, *Distribution Statements on Technical Documents*, and DoDD 5230.25, *Withholding of Unclassified Technical Data with Military and Space Application*, and spells out procedures for access to this information.
- 1-16. DoDI 5230.27, *Presentation of DoD-Related Scientific and Technical Papers at Meetings*. The instruction provides the policy and procedures for presentation of technical papers at classified and unclassified meetings by DoD employees and DoD contractors. It also includes guidance for DoD sponsorship of technical meetings and foreign national participation.
- 1-17. DoDD 5400.7, *DoD Freedom of Information Act Program*. The directive authorizes DoD 5400.7-R, the single DoD regulation on the Freedom of Information Act (FOIA) program. The directive was reissued in September 1997, and the most recent edition of the regulation is dated September 1998.
- 1-18. DoDD 5535.3, *DoD Domestic Technology Transfer (T2) Program*. The directive provides policy and assigns responsibilities for domestic technology transfer activities of the DoD. The directive was reissued in 1999 with a new title.

DoDI 5535.8, *DoD Technology Transfer (T2) Program*. The instruction identifies the responsibilities and procedures necessary to implement domestic technology transfer programs in the DoD. The instruction is new and was issued in 1999.

The directive and instruction replace DoD 3200.12-R-4, *Domestic Technology Transfer Program Regulation*.

1-19. *To register for DTIC Services.* The *Registration Guide to the Defense Technical Information Center (DTIC)* has been rewritten and is now located in an electronic format on DTIC's homepage. Go to DTIC's homepage, www.dtic.mil, and follow the registration process.

1-20. MIL STD 1806, *Marking Technical Data Prepared by or for the Department of Defense*. This canceled standard provides procedures for the marking of classified and unclassified technical information with distribution statements and the export control warning. It answers questions about what should be marked, where the markings should be placed, and how to determine export-controlled data. The standard is no longer cited on contracts as the marking authority because it was canceled in 1995. It is available from DTIC as a guidance document.
(AD-A283 939)

1-21. AFRD 61-2, *Management of Scientific and Technical Information*. The policy directive describes the Air Force STINFO Program and assigns responsibilities. Attachment 1 lists three measures of compliance. Attachment 2 lists activities that require full time STINFO Officers. All five implementing instructions are included in the STINFO Documentation. The directive and implementing instructions are in revision.

AFI 61-201, *The Local Scientific and Technical Information Process*. The instruction establishes the procedures, processes, and management guidelines for local STINFO Officers. Duties are listed, including Office of Primary Responsibility (OPR) ones. Attachments 1 and 2 are compliance checklists.

AFRD 61-2 and AFI 61-201 replaced AFR 83-1.

1-22. AFI 61-202, *United States Air Force Technical Publications Program*. The instruction provides policy and assigns responsibilities for the preparation, processing, and distribution of Air Force technical publications generated in-house or by contract or grant. AFI 61-202 replaced AFR 83-2.

1-23. AFI 61-203, *The Work Unit Information System*. The instruction establishes procedures for conducting literature searches of the Defense RDT&E Online System (DROLS), commercial databases, and the open literature and the preparation and reporting of work unit information summaries to DTIC. The instruction is being revised to reflect, among other changes, the name changes from Work Unit Information System (WUIS) to Research Summaries (RS). AFI 61-203 replaced AFR 80-12.

- 1-24. AFI 61-204, *Disseminating Scientific and Technical Information*. The instruction discusses the marking of technical data with distribution statements and the export control warning notice. It describes the contractor certification process for access to export-controlled technical information and discusses the handling of requests for such information. The requirement for a destruction notice is addressed. The instruction is in revision. AFI 61-204 replaced AFR 80-30, AFR 80-34, and AFR 83-3.
- 1-25. AFI 61-205, *Sponsoring or Co-Sponsoring, Conducting, and Presenting DoD-Related Scientific Papers at Unclassified and Classified Conferences, Symposia, and Other Similar Meetings*. Attachment 1 is a useful checklist. AFI 61-205 replaced AFR 80-43.
- 1-26. AFRLI 61-201, *Research and Development (R&D) Case Files*. The instruction establishes policies, responsibilities, and procedures for initiating, managing, maintaining, and retiring Air Force Research Laboratory R&D case files. A case file constitutes the complete history of a RDT&E or similar work effort. The instruction was reissued in 2000 with limited distribution.
- 1-27. AR 70-45 (Draft), *Research, Development, and Acquisition Scientific and Technical Information Program*. The regulation describes the Army STINFO Program, assigns responsibilities, explains how it is organized and conducted, and how STINFO resources are to be managed. STINFO Manager duties are listed. This is the only regulation for the Army STINFO Program. It is in draft form and will replace seven current regulations.
- 1-28. SECNAVINST 3900.43, *Navy Scientific and Technical Information Program*. The instruction was reissued in 2002. It provides guidance on Department of the Navy policy and concepts and assigns responsibilities for the Navy Scientific and Technical Information Program (STIP). It requires the designation of at least one STIP Focal Point for each command/activity.
- ONRINST 3900.36, *Navy Scientific and Technical Information Program (STIP)*. The new instruction was issued in 1994 and implements SECNAVINST 3900.43, *Navy Scientific and Technical Information Program*, and further defines management responsibilities. It states specific actions that form the basis of the Navy STIP and specifies the major duties of the STIP Focal Point.
- 1-29. AMC-PAM 70-6, *Research and Development Opportunities with the U.S. Army Materiel Command*. The revised pamphlet, dated September 1999, was published in 2000 and contains information on the various Army industrial programs, such as the Technical and Industrial Liaison Office (TILO) network. The information is of interest to DoD-wide activities.

- 1-30. *Naval Potential Contractor Program (NPCP) Application Guidebook*. This guidebook, dated 21 March 2001, contains basic information on the NPCP and includes detailed instructions on how to apply. The information is of interest to DoD-wide activities. This is the web version of the guidebook.

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SECTION 2. FORMS AND OTHER DOCUMENTATION

- 2-1. DD Form 250, *Material Inspection and Receiving Report*. This form is used to accept the required deliverable(s) on a contract. By signing it, the sponsoring DoD organization acknowledges that the item(s) conform with the quality and quantity requirements of the contract. The form was revised with a date of August 2000. Tab 2-1 contains a blank DD Form 250. Two examples of completed DD Form 250 are included in the class training materials.
- 2-2. DD Form 254, *Department of Defense Contract Security Classification Specification*. This form is used to specify the kind of classified information access that is required on a contract. The form was revised with a date of December 1999. Tab 2-2 contains a blank DD Form 254.
- 2-3. DD Form 1423, *Contract Data Requirements List (CDRL)*. This form is used when technical data is required under a contract and specifies all the required deliverables. It is completed by the person who is responsible for the data requirements of the contract, with the assistance of a data manager, and is processed by the contracting office. The form was reissued with a date of February 2001. Tab 2-3 contains examples of completed DD Form 1423 and a blank DD Form 1423.
- 2-4. *STINT Research Summary (RS) Worksheet*. This form represents the data elements in the Research Summaries (RS) database. The name of the database has changed over the years from Work Unit Information System (WUIS) to Technical Effort and Management System (TEAMS) to RS. Tab 2-4 contains a blank worksheet.

- 2-5. DD Form 1540, *Registration for Scientific and Technical Information Services*. This form, dated 2001, is used to register for DTIC products and services. It determines the duration of the registration and subject fields of interest for classified products and services. It is the only registration form required for DoD and other U.S. Government agencies. DoD organizations must submit the actual form for access to classified information but may register over the telephone for access to unclassified information. Other U.S. Government organizations must submit it for access to limited and classified information. Contractors must submit the DD Form 1540 for access to information at DTIC. A separate form must be completed for each contract or grant, and the registration is in force for the length of the contract. The form is in revision. The form was revised with a date of June 2001. Tab 2-5 contains a blank DD Form 1540 and helpful hints sheet for completing the form.
- 2-6. DD Form 2345, *Militarily Critical Technical Data Agreement*. This form is required for access to export-controlled technical data by contractors, including such technical information available from DTIC. The form is submitted to the Defense Logistics Information Service (DLIS), Battle Creek, MI for certification. Certified contractors are eligible to receive export-controlled technical data for a renewable period of five years, and their names are placed on the Certified Contractor Access List (CCAL). The form was revised and reissued in 2001. Tab 2-6 contains a blank DD Form 2345 and two helpful hints sheets for completing the form.
- 2-7. DTIC Form 1, *Document Order Form*. This form is used to order documents from the DTIC collection. Document orders may also be placed through DROLS or by telephone, letter, FAX, email, or via the DTIC Home Page. The form was revised and reissued in October 1999. Tab 2-7 contains a blank Form 1 and an electronic Document Order Form.
- 2-8. DTIC Form 6, *Deposit Account Notification Form*. This form is used to register the National Technical Information Service (NTIS) deposit account number with DTIC. The deposit account number must be on file at DTIC. DTIC accepts orders by deposit account and by credit card. Tab 2-8 contains a blank DTIC Form 6 and the NTIS Deposit Account Application form.
- 2-9. DTIC Form 50, *DTIC Accession Notice*. Contributors should include this form when submitting documents to DTIC. The assigned accession number (AD) is written on the form by DTIC and returned to the contributor. The form is considered a receipt. AD notification can also be received by email through the Contributor Feedback service. This service requires registration. Tab 2-9 contains a blank DTIC Form 50 and a copy of the Contributors Feedback form.

- 2-10. DTIC Form 55, *Request for Release of Limited Document*. This form is completed when a requester does not meet the audience of an assigned distribution statement. The form is submitted by DTIC to the Controlling DoD Office responsible for determining if the specified document should be released to the requester. The form was revised and reissued in 2000. Tab 2-10 contains a blank DTIC Form 55 and a blank DTIC Form 55B, the *Embassy Request Form*.
- 2-11. DTIC Form 64, *Request for DTIC Database Products*. This form is used to request a search of a DTIC database or to subscribe to one of the bibliography services. Tab 2-11 contains a blank DTIC Form 64 and an electronic Request for DTIC Database Products.
- 2-12. DTIC Form 530, *Nonprint Form*. This form is used to submit nonprint documents, software, data files, and databases to DTIC. Formats include videorecording, computer diskette, magnetic tape, and CD-ROM. It provides a one page summary of the bibliographic information and physical characteristics of the particular nonprint product and forms the basis of the DROLS record. Tab 2-12 contains an example of a completed DTIC Form 530. A WORD version is available on the DTIC homepage and as a template in the STINFO class.
- 2-13. SF 298, *Report Documentation Page*. This form is used to submit paper and microfiche documents and documents submitted electronically over the Internet to DTIC. It replaced the DD Form 1473. It provides a one-page summary of the bibliographic information for the particular document and forms the basis for the DROLS record. A revised form was issued in August 1998 and is available in various electronic formats. A WORD version is available on the DTIC Homepage and as a template in the STINFO class. Washington Headquarters Service offers versions in Form Flow and PDF. Tab 2-13 contains a blank copy of the revised SF 298 and one example of a completed SF 298 in the old version.
- 2-14. *Data Item Description (DID)*. The DID states the required format and contents preparation instructions for each deliverable on a contract. For example, DI-MISC-80711A, *Scientific and Technical Reports*, states that ANSI Z39.18, *Scientific and Technical Reports - Elements, Organization, and Design*, shall be used for technical report format. The DID is referenced on the Contract Data Requirements List (CDRL). Revision of MIL-STD-963, *Department of Defense Standard Practice for Data Item Descriptions (DIDs)*, removed the requirement to use the DD Form 1664 for DIDs. DIDs are now prepared in plain paper format. DD Form 1664 was canceled with a date of November 2, 2000. Tab 2-14 contains DI-MISC-80711A and one other technical publication DID.
- 2-15. *Request for Scientific and Technical Report*. This letter is used by DTIC to order documents that are not in the DTIC collection. Tab 2-15 contains an example of the letter and a form that serves as a substitute.

2-16. *Independent Research and Development (IR&D) Data Block*. This document contains the data elements for an IR&D project for inclusion in the database. The database is now web-based. Tab 2-16 contains a blank document since the database is proprietary.

2-17. FAR/DFARS. There are several procurement items in Tab 2-17 pertaining to technical documents/data:

a. FAR 35.010. *Research and Development Contracting--Scientific and Technical Reports*. This subpart requires that: a) a contractor furnish a report as the permanent record of the work accomplished under a R&D contract; b) copies be submitted to NTIS; and c) the SF 298 be submitted when agencies require that completed reports be covered by a report documentation page.

b. *Contract Provisions for Providing Technical Reports to the Defense Technical Information Center*. This DDR&E memorandum addresses the reporting requirements of the FAR and DFARS, including the roles of DTIC and NTIS.

c. DFARS 235.010(b). *Research and Development Contracting--Scientific and Technical Reports*. Among a number of provisions, DFARS 235.010(b) establishes the requirement that DTIC is responsible for collecting all reports that are the products of scientific and technical observations, findings, recommendations, and results derived from DoD endeavors, including both in-house and contracted efforts.

d. DFARS 252.235-7010. *Research and Development Contracting--Acknowledgment of Support and Disclaimer*. This clause is used in research and development contracts.

e. DFARS 252.235-7011. *Research and Development Contracting--Final Scientific or Technical Report*. This clause states the requirement for the contractor to submit the approved technical report to DTIC.

f. DFARS 227.71. *DoD Rights in Technical Data* (Introduction). This is the first page of the subpart issued in 1995. The subpart describes DoD rights and responsibilities related to the receipt of technical data marked with restricted or protected legends by a contractor. There is also DFARS 227.72, *Rights in Computer Software and Computer Software Documentation*.

2-18. DFARS. There are two DFARS sections in Tab 2-18 pertaining to literature searching and procurement:

a. DFARS 237.272(b), *DoD Contracted Advisory and Assistance Services--Requesting Activity Responsibilities*. DFARS 237.272(b) establishes the requirement that on the acquisition for studies, the purchase request package must contain a signed statement that: a) DTIC and other information sources have been queried; b) evidence of those queries are on file; and c) no existing scientific and technical report could fulfill the requirement.

b. DFARS 235.70, *Research and Development Contracting --Research and Development Streamlined Contracting Procedures*. This subpart prescribes streamlined procedures for acquiring research and development using a standard solicitation and contract format and the capabilities of the World Wide Web. DTIC and literature searching are mentioned in Section H.2, *Special Contract Requirements--Scientific/Technical Information*, of the standard RDSS/C format. Section H.5, *Nonstandard Clauses*, includes the clause entitled *Final Scientific and Technical Report*.

2-19 *Notice to Accompany the Dissemination of Export-Controlled Technical Data*. This notice must accompany all export-controlled technical information that is distributed to certified U.S. contractors. All export-controlled documents distributed by DTIC contain the notice. Tab 2-19 contains a copy of the notice.

2-20. ANSI/NISO Z39.18-1995, *Scientific and Technical Reports - Elements, Organization, and Design*. This standard replaced MIL-STD-847B, *Format Requirements for Scientific and Technical Reports Prepared by or for the Department of Defense*, and is the recommended guideline for publishing technical reports. DoD has adopted the standard. The copyrighted publication is part of the STINFO Manager training class courseware and may be downloaded for free from the Internet. A hard copy may be purchased from the NISO Press, Techstreet, 310 Miller Avenue, Ann Arbor, MI 48103 or by calling 1-800-699-9277. The standard is in revision. Tab 2-20 contains a copy of the standard.

2-21. ANSI/NISO Z39.23-1997, *Standard Technical Report Number Format and Creation*. This standard provides a uniform format for the assignment of report numbers to technical publications of all types and formats and is the recommended guideline. The standard was reissued in 1997. The copyrighted publication is part of the STINFO Manager training class courseware and may be downloaded for free from the Internet. A hard copy may be purchased from the NISO Press, Techstreet, 310 Miller Avenue, Ann Arbor, MI 48103 or by calling 1-800-699-9277. Tab 2-21 contains a copy of the standard.

2-22. *DoD Information for Industry Offices/Potential Contractor Program Focal Points/Offices of Research and Technology Applications*. Tab 2-22 contains lists of personnel in the various DoD industrial programs.

- 2-23. *Finding STINFO Documentation - Sampling*. Tab 2-23 contains a list of sources for DoD regulations, forms, and specifications and standards.
- 2-24. *USAF STINFO Management Bibliography*. During 1990, a series of office management reports were produced by the office of the AF STINFO Program Manager. Formats include paper, computer diskette, and videorecording. Tab 2-24 contains a list of the reports, including assigned AD numbers for ordering from DTIC.
- 2-25. *NASA/DoD Aerospace Knowledge Diffusion Research Project Publications*. Started in 1989, this study explored the diffusion of STI throughout the aerospace industry. A book presenting the completed results was published in 1997. The study was comprised of four phases. Phase one studied the information-seeking methods of U.S. aerospace engineers and scientists. Phase two addressed the transfer of STI in government and industry and the role of librarians and technical information specialists in that transfer. Phase three looked at the use of STI in the academic aerospace community. Phase four examined knowledge production, use, and transfer of STI among non-U.S. aerospace organizations and aerospace engineers and scientists. Tab 2-25 contains a list of published reports and papers, including assigned AD numbers for ordering from DTIC. Ordering information for the book is also included.
- 2-26. *DTIC Products and Services Catalog*. Tab 2-26 contains a copy of the 2000-2001 catalog. The up-to-date version can be found at http://www.dtic.mil/dtic/pscatalog_sep1.pdf.
- 2-27. *NTIS Catalog of Products*. Tab 2-27 contains a copy of the NTIS catalog. An electronic version can be found at <http://www.ntis.gov>.

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Tab 1

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Department of Defense DIRECTIVE

NUMBER 2002.3

August 15, 1985

USD(P)

SUBJECT: Clearance of Research and Studies With Foreign Affairs Implications

References: (a) DoD Directive 5100.62, "Clearance of Research and Studies with Foreign Affairs Implications," August 19, 1969 (hereby canceled)
(b) DoD Directive 5010.22, "DoD Contract Studies Management," March 25, 1982

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a), updates policy and procedures, and assigns responsibilities and authorities for clearance of foreign area research study grants and contracts that may have potentially adverse implications for U.S. foreign relations.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, and the Defense Agencies (hereinafter referred to collectively as "DoD Components").

3. DEFINITIONS

3.1. DoD-Sponsored Foreign Affairs Research. Research programs and studies in the social and behavioral sciences dealing with international relations, or with foreign areas and people, whether conducted in the United States or abroad, that are supported by contracts or grants. In-house research is not included under this Directive.

3.2. Potentially Adverse Foreign Affairs Implications. Applies to foreign affairs research, the effect of which may create or exacerbate sensitive situations for the U.S. Government in its relations with other governments. These possibilities are likely to occur particularly in projects that include conduct of overseas field research by U.S. contractors or grantees; foreign travel performed under terms of a grant or contract for any other purpose related to foreign affairs research; conduct of foreign affairs research by foreign contractors in foreign areas; contact with foreign nationals; substance relating to international relations; and research or any study focusing on contemporary characteristics of the culture, politics, or institutions of foreign countries.

4. POLICY

4.1. It is DoD policy that foreign affairs research that may have potentially adverse foreign affairs implications be reviewed expeditiously by the Under Secretary of Defense for Policy (USDP) before initiation or award of a contract or grant, and that the conduct of such research or studies be monitored and administered in such a way as to avoid adverse effects on U.S. foreign relations.

4.2. The policy originates with a mandate from the President to the Secretary of State to establish procedures to ensure that foreign affairs research is conducted in such a way so as not to impact adversely U.S. foreign relations. Department of State (DoS) guidance for the implementation of that policy is contained in enclosure 1.

4.3. DoD Directive 5010.22 (reference (b)) contains overall policy guidance for the management of DoD contract studies, and specifically reserves the coordination of foreign affairs research to the provisions of this Directive.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Policy, or designee, shall be responsible for sensitivity review and approval of all foreign affairs research with potentially adverse foreign affairs implications sponsored by contract or grant. In carrying out these responsibilities, the USDP shall serve as the clearance point in the Department of Defense and the originator of DoD requests for coordination with the DoS, in accordance with enclosure 1. The review and approval of foreign affairs research shall be limited exclusively to the determination of the potential adverse consequences such research may have for U.S. foreign relations. Clearance of such projects may not be construed as an endorsement of the need, method, or value of the project.

5.2. Heads of DoD Components, or designees, shall establish procedures to ensure compliance with this Directive.

6. PROCEDURES

6.1. DoD Components undertaking foreign affairs research with potentially adverse foreign affairs implications shall request approval to do so from the USDP. Such requests shall include the following information:

6.1.1. Title and brief description of project.

6.1.2. Project scope/purpose.

6.1.3. Names of contractor/grantee and principal researchers.

6.1.4. Estimated project cost.

6.1.5. Description of proposed field work, to include countries to be visited, approximate dates, and extent and type of contact with foreign nationals here or abroad.

6.1.6. Any record of previous discussion of the project with U.S. diplomatic mission personnel.

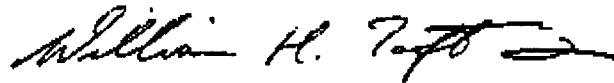
6.1.7. Project classification, if any.

6.1.8. Proposed disposition of reports.

6.2. The USDP, or designee, promptly shall review the request and initiate clearance action, if required, with the DoS. The clearance process normally takes about 30 days. DoD Components shall be notified promptly of the decision, and adverse decisions may be appealed to the DoS through the USDP, in accordance with enclosure 1.

7. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. All DoD Components supporting research and studies with foreign affairs implications shall provide the Under Secretary of Defense for Policy implementing instructions within 120 days.

A handwritten signature in black ink, appearing to read "William H. Taft, IV". The signature is fluid and cursive, with a long horizontal stroke at the end.

William H. Taft, IV
Deputy Secretary of Defense

Enclosures - 1

- E1. Policies and Procedures for Department of State Review and Coordination of Government-Sponsored Research on Foreign Affairs

E1. ENCLOSURE 1

POLICIES AND PROCEDURES FOR DEPARTMENT OF STATE REVIEW AND
COORDINATION OF GOVERNMENT-SPONSORED RESEARCH ON FOREIGN
AFFAIRS

IC/FAR (Revision 3)
January, 1985

POLICIES AND PROCEDURES
FOR
DEPARTMENT OF STATE REVIEW AND COORDINATION
OF
GOVERNMENT-SPONSORED RESEARCH ON FOREIGN AFFAIRS^{1/}

Purpose: To state the source and nature of the Secretary of State's responsibilities for the review and coordination of Government-sponsored research on foreign affairs; to specify the concomitant responsibilities and procedures agreed to by sponsoring agencies.

I. DEFINITION OF GOVERNMENT-SPONSORED FOREIGN AFFAIRS RESEARCH

Research programs and studies in the social and behavioral sciences dealing with international relations, or with foreign areas and peoples, whether conducted in the United States or abroad, which are supported by contracts or grants awarded by agencies of the United States. In-house research is not included.

II. AUTHORIZATION AND ORGANIZATION

A. Mandate

A letter from the President to the Secretary of State, dated August 2, 1965, established the responsibility for the review for sensitivity reasons of Government-sponsored research on foreign affairs. It said:

I am determined that no Government sponsorship of foreign area research should be undertaken which in the judgment of the Secretary of State would adversely affect United States foreign relations. Therefore I am asking you to establish effective procedures which will enable you to assure the propriety of Government-sponsored social science research in the area of foreign policy.

In addition, an April 27, 1977, memorandum to all Department and Agency heads from the Special Assistant to the President for National Security Affairs assigns to the Secretary of State "responsibility for

^{1/} This document, first issued on January 16, 1978, replaces the "Procedures for Department of State Review of Government-Sponsored Foreign Affairs Research" adopted on November 18, 1965, and published in the Federal Register (Vol. 31, No. 7, January 12, 1966, pp. 358-60).

the coordination of foreign affairs external research...including information exchange, documentation, publication and other activities required to minimize duplication of effort; joint funding; measures to assure quality, utility and availability; and other matters requiring interagency consultation."

This document is designed to assist in the discharge of both the Secretary's coordination responsibilities and his responsibility to avoid adverse effects on U.S. foreign relations. As his representative in the discharge of these responsibilities, the Secretary has designated the Director of the Bureau of Intelligence and Research (INR).

B. Department of State Research Council

To implement the President's 1965 directive, the Secretary of State created the Department of State Research Council (DSRC) and designated the Director of INR as Chairman to assist him in formulating policies for State Department review and clearance of project proposals submitted by other Government agencies. In addition to its Chairman, the DSRC is composed of the Director of the Policy Planning Staff, the Legal Adviser, and, as appropriate, representatives of the regional and functional bureaus. The DSRC and its Chairman are assisted by the Office of Long-Range Assessments and Research (INR/LAR).

C. DSRC Chairman

The Chairman of the DSRC is responsible for final clearance of proposed projects submitted by sponsoring agencies. The Chairman keeps the Secretary of State informed of the DSRC's major deliberations and actions. The Chairman may issue guidelines to aid agencies in fulfilling the requirements of these procedures.

III. PURPOSE AND LIMITS OF REVIEW

The DSRC will review research projects only for the purpose of avoiding adverse effects on U.S. foreign relations. The risks of possible adverse effects on foreign relations will be weighed against the value of the research project to the U.S. Government. Because the sponsoring agency is the best judge of the value of a proposal to its own mission, its views will be carefully considered. If the DSRC questions the propriety of any research project, it will consult with the sponsoring agency before making a final determination. Clearance of projects by the DSRC is not necessarily an endorsement of the need, method, or value of the project.

IV. CRITERIA FOR REVIEW AND CLEARANCE

A. Military and Foreign Affairs Agency ^{2/} Projects

All foreign affairs research projects that at any stage involve foreign travel or contact with foreign nationals in the United States or abroad, must be submitted for review. Such other projects as the sponsoring agency determines may have potential adverse effects on U.S. foreign relations (see IV.D.1., below) should be submitted for review.

B. Domestic Agency ^{3/} Projects

Domestic agencies must determine, on the basis of potential sensitivity as described in section IV.D., below, which of their foreign affairs research projects should be submitted for review.

C. All Agencies--Continuing Programs and General Purpose Grants

1. Agency representatives will keep the DSRC informed about continuing foreign affairs research programs carried out by research organizations receiving principal support from their agencies. After consultation with an agency, the DSRC may ask to review specific projects. In cases where such research organizations are not required to clear their research plans or projects with sponsoring agencies, the DSRC shall not require review of specific projects. However, the DSRC should be kept informed of all foreign affairs research projects undertaken as part of these programs.

2. Grants to academic institutions for general purposes (such as expansion of facilities, faculty, or curriculum) need not be submitted to the DSRC for review. However, the DSRC should be informed about such grants if any funds are to be used to support foreign affairs research by the recipient institution.

D. Project Sensitivity

1. Projects which involve neither foreign travel nor contact with foreign nationals may also be sensitive if they deal with subjects under active negotiation or currently in dispute.

^{2/} Agency for International Development, Arms Control and Disarmament Agency, Department of Defense, Central Intelligence Agency, Department of State, U.S. Information Agency.

^{3/} Grants of the National Science Foundation, the National Endowment for the Humanities, the National Institutes of Health, and the Alcohol, Drug Abuse, and Mental Health Administration, as well as grants awarded under the Fulbright-Hays program or the National Defense Education Act, have been exempted from provisions of this section.

2. Projects which involve foreign travel or contact with foreign nationals are especially likely to be sensitive if they:

a. Deal with the authority, effectiveness, or policies of a foreign government, with the nature and relationships of politically significant internal institutions, or with the attitude of the people toward the government (especially if the government is characterized by instability);

b. Involve large-scale or formalized surveys or interviews; or

c. Are conducted by large teams or which cover extensive or remote areas of a foreign country.

3. Projects which involve foreign travel or contact with foreign nationals are less likely to be sensitive if they:

a. Deal with historical rather than contemporary subjects unless there are contemporary implications;

b. Gather information in the host country through documentary investigation rather than interviews or questionnaires;

c. Have the approval of interested agencies of the host country government;

d. Involve professional participation by host country nationals as researchers; or

e. Are not designed to contribute specifically to the operating mission of an agency of the U.S. Government.

V. REVIEW AND CLEARANCE PROCEDURES

A. Time Required

Fifteen working days are normally allotted for DSRC review of agency projects. Projects will be considered cleared unless other DSRC action is communicated to the agency within 15 working days after the required information is received for review.

B. Information Required

1. Title and brief description of project.

2. Name of sponsoring agency or agencies (including information on any funding by other agencies).

3. Contractor, estimated cost, and principal researchers.
4. Detailed information on project; hypotheses to be investigated, methods, schedules, types of findings anticipated, countries or regions covered.
5. If project involves field work abroad, names of researchers, indication of time of proposed field work, and extent and types of contact with foreign nationals.
6. Extent to which discussion with U.S. diplomatic mission has already been held in the formulation of project proposal.
7. Classification of projects and proposed disposition of reports.

C. Types of Clearance Actions

1. Cleared
2. Cleared with conditions
3. Not cleared (with statement of reasons)

(Once a project is cleared, normally there will be no further State Department action, although other agencies remain under obligation to inform the DSRC of changes in the character of the research, and, in the event of substantial changes or significant developments in the research, the DSRC retains the option to review the project.)

D. Appeals

An agency may request reconsideration of a decision, in which case the DSRC will accept the agency's appeal and act promptly on it. Should the decision still be unsatisfactory to an agency, the agency head may consult with the Secretary of State.

VI. AGENCY RESPONSIBILITIES^{4/}

A. Submission of Projects for Review

Agency representatives will be responsible for collecting information on projects their agencies propose to support, making determinations as

^{4/} To avoid duplicate reporting, or failure to report, in cases of collaborative programs and projects involving two or more agencies, that agency which actually signs contract or grant agreements should assume these responsibilities.

to which projects require DSRC clearance, and submitting appropriate project information to the DSRC for review before a contract is signed or grant awarded.^{5/}

B. Research Coordination

Agency representatives should consult one another and colleagues in appropriate specialties when new projects or programs are thought to run a substantial risk of duplication or to be good candidates for other agency participation in design, funding, and utilization. Because the Department of State's own mission and research program embraces all foreign areas and functional aspects of international affairs, agency representatives should call upon the staff of INR/LAR when assistance is needed in exploring either State participation or coordination with third agencies.

C. Submission of Completed Studies

Agency representatives should ensure that two (2) copies of all studies and reports (classified and unclassified) delivered to the agency as products of its external research projects (whether reviewed by the DSRC or not) are sent to the Defense Technical Information Center, DTIC/DDR, Cameron Station, Alexandria, Virginia 22314. Each paper sent to DTIC should be sent under cover of a transmittal indicating what distribution is authorized by the agency. Unclassified papers not restricted in their distribution will automatically be deposited as well (by DTIC) with the National Technical Information Service, Department of Commerce, where they will be accessible to the general public.

D. Other

Agency representatives should serve as facilitators of cooperative projects, and otherwise be available for consultation on matters of interagency coordination.

^{5/} This is not required in those cases where agencies use other established procedures to clear their research projects with a policy bureau in the Department of State (e.g., PL-480 programs) or with a U.S. Embassy (e.g., A.I.D. projects initiated and funded by field missions). However, the coordination representatives should inform the Chairman of the DSRC by memoranda of the clearance arrangements being used by their agencies in such cases.

VII. STAFF ASSISTANCE

The staff of INR/LAR is available for advance consultation on the possible sensitivity of projects and associated foreign travel. Since topics of no apparent sensitivity on general principle may prove to be quite sensitive in a particular time or place, advance consultation often serves to expedite projects and assure that a proposed study can in fact be carried out. Agency representatives having doubts about the potential sensitivity of projects or associated foreign travel are encouraged to seek consultation.

All submissions of information and documents and requests for assistance should be directed to:

Office of Long-Range Assessments and Research, INR/LAR
Attn: Coordinator for Research Review
Room 6842, NS
Department of State
Washington, DC 20520
Tel: (202) 632-2759

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Tab 2

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Department of Defense DIRECTIVE

NUMBER 3200.12

February 11, 1998

DDR&E

SUBJECT: DoD Scientific and Technical Information (STI) Program (STIP)

- References:
- (a) DoD Directive 3200.12, "DoD Scientific and Technical Information Program," February 15, 1983 (hereby canceled)
 - (b) Title 10, Section 133, United States Code
 - (c) DoD Instruction, 3200.14, "Principles and Operational Parameters of the DoD Scientific and Technical Information Program" May 13, 1997
 - (d) DoD 5025.1-M, "DoD Directives System Procedures," August 1994, authorized by DoD Directive 5025.1, June 24, 1994
 - (e) through (t), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a) to update DoD policy and responsibilities consistent with the general authority of the Secretary of Defense under reference (b) for establishing the DoD STIP.

1.2. Authorizes the issuance of reference (c), consistent with reference (d), to provide guidance on implementation of policies and principles for the DoD STIP.

1.3. Authorizes the issuance of DoD Instruction 3204.1 (reference (e)), consistent with reference (d), to provide implementation of policy and principles for the DoD Industry Independent Research and Development Program.

1.4. Authorizes the issuance of DoD 3200.12-R-4 (reference (f)), consistent with reference (d) to provide guidance for the implementation of policy and principles for

the DoD Domestic Technology Transfer Program.

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

2.2. Does not apply to the following:

2.2.1. DoD programs for involving day-to-day operational data used by the warfighter unless required for scientific and technical analysis and communications and display of information relating to the command and control of operations and forces.

2.2.2. The DoD scientific and technical intelligence production community and those products generated under that program, and technical documents containing classified scientific and technical intelligence (although the concepts and principles of the DoD STIP shall be applied when possible).

2.2.3. The DoD technical data management program, (DoD 5000-2-R, reference (g)) for those aspects that are distinct from STI.

2.2.4. Signal intelligence and communications security information, as defined in DoD Directives S-3115.7 and C-5200.5 (references (h) and (i)).

3. DEFINITIONS

OSD Principal Staff Assistants (PSAs). The Under Secretaries of Defense, the Director of Defense Research and Engineering, the Assistant Secretaries of Defense, the Director of Operational Test and Evaluation, the General Counsel of the Department of Defense, the Inspector General of the Department of Defense, the Assistants to the Secretary of Defense, and the OSD Directors or equivalents who report to the Secretary or Deputy Secretary of Defense.

4. POLICY

It is DoD policy that:

4.1. The Department of Defense shall aggressively pursue a coordinated and comprehensive STIP, thereby providing maximum contribution to the advancement of science and technology. The STIP shall permit timely, effective, and efficient conduct and management of DoD research and engineering (R&E) and studies programs, and eliminate unnecessary duplication of effort and resources by encouraging and expediting the interchange and use of STI. Interchange and use of DoD STI is intended to include the DoD Components, their contractors, other Federal Agencies, their contractors, and the national and international R&E community. Acquisition, documentation, and dissemination of STI is further described in DoD Instructions 3200.14, 3204.1, and DoD 3200.12-R-4 (references (c), (e), and (f)), and is controlled in a manner consistent with references (j) through (r).

4.2. The STIP is a basic and integral part of the functions of the organization of the Under Secretary of Defense for Acquisition and Technology (USD(A&T)) (DoD Directive 5134.1, reference (s)), the functions of the Director of Defense Research and Engineering (DoD Directive 5134.3, reference (t)), and is affected by the DoD studies program. Managers and performers of R&E shall use and support the STIP. STI services and processes are used to facilitate communication and enrich development and use of STI during the planning and conduct of R&E and studies efforts. Conversely, the performance of those R&E and studies efforts is not considered complete until the STI, including related program management information, is documented satisfactorily and provided to the applicable STI distribution activities.

4.3. Defense R&E programs consist of several critical elements necessary to meet the technological needs of the Department of Defense in support of the DoD national security mission. The DoD Components shall coordinate, sustain, and integrate those critical R&E elements described in paragraphs 4.3.1. through 4.3.3., below, and in a manner designed to maximize the ability to meet DoD mission requirements. These elements are:

4.3.1. Critical facilities in the public and private sector needed to produce world class technology;

4.3.2. Highly skilled and experienced people in Department of Defense and defense-related academic and industrial complexes that produce and apply the

technology needed to sustain DoD technological superiority; and

4.3.3. A well-established and sustained DoD STIP at all levels to record, disseminate, and preserve as a critical asset the investment in and results of the other two elements of the DoD R&E programs. While STI is often unobtrusive or taken for granted when it is well-managed, failure to support adequately the STIP materially impacts DoD ability to leverage significant investments in defense technology.

5. RESPONSIBILITIES

5.1. Under Secretary of Defense for Acquisition and Technology shall:

5.1.1. Manage the STIP.

5.1.2. Issue DoD Instructions 3200.14 and 3204.1, and DoD 3200.12-R-4 (references (c), (e), and (f)).

5.2. The OSD Principal Staff Assistants shall ensure that STIP matters in their respective areas are consistent with the policy in Section 4., above, and references (c), (e), and (f).

5.3. The Heads of the DoD Components shall implement this Directive and the policy and principles in references (c), (e), and (f). That includes the responsibility to:

5.3.1. Designate a “senior-level STI director or manager” at the Military Department or Defense Agency staff level who shall serve as a single, authoritative point of contact for management and oversight of STIP matters.

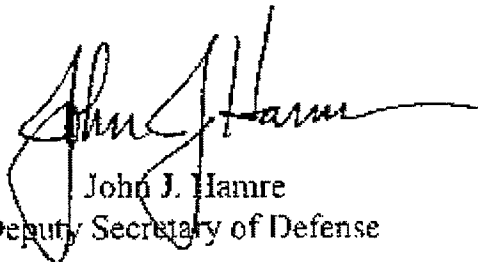
5.3.2. Continually review their needs for STI and make proposals to the Office of the Under Secretary of Defense for Acquisition and Technology (OUSD (A&T)) for the initiation of new or major revisions to STI efforts or activities.

5.3.3. Establish, operate, and administer those STI functions and activities required for the conduct of their missions, and other information activities required to serve the Department of Defense, national R&D needs, or as assigned by the OUSD (A&T).

5.3.4. Provide programming, budgeting, funding, and other fiscal support for their STI activities.

6. EFFECTIVE DATE

This Directive is effective immediately.



John J. Hamre
Deputy Secretary of Defense

Enclosures - 1

1. References

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E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Instruction 3204.1, "Independent Research and Development," December 1, 1983
- (f) DoD 3200.12-R-4, "Domestic Technology Transfer Program Regulation," December 1988, authorized by this Directive
- (g) DoD 5000.2-R, "Mandatory Procedures for Major Defense Acquisition Programs (MDAPS) and Major Automated Information System (MAIS) Acquisition Programs," March 1996, authorized by DoD Directive 5000.1, March 15, 1996
- (h) DoD Directive S-3115.7, "Signals Intelligence (SIGINT) (U)," January 25, 1973
- (i) DoD Directive C-5200.5, "Communications Security (COMSEC) (U)," April 21, 1990
- (j) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
- (k) DoD 5200.1-R, "Department of Defense Information Security Program Regulation," January 1997, authorized by DoD Directive 5200.1, December 13, 1996
- (l) DoD Directive 5400.7, "DoD Freedom of Information Act Program," May 13, 1988
- (m) DoD Directive 5400.11, "Department of Defense Privacy Program," June 9, 1982
- (n) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 9, 1996
- (o) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," June 16, 1992
- (p) DoD Directive 2002.3, "Clearance of Research and Studies with Foreign Affairs Implications," August 15, 1985
- (q) DoD Directive 5230.25, "Withholding Unclassified Technical Data from Public Disclosure," November 6, 1984
- (r) DoD Instruction 5230.27, "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987
- (s) DoD Directive 5134.1, "Under Secretary of Defense for Acquisition and Technology (USD(A&T))," June 8, 1994
- (t) DoD Directive 5134.3, "Director of Defense Research and Engineering (DDR&E)," August 31, 1994

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Tab 3

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Department of Defense INSTRUCTION

NUMBER 3200.14

May 13, 1997

Administrative Reissuance Incorporating Through Change 3, June 28, 2001

USD(AT&L)

SUBJECT: Principles and Operational Parameters of the DoD Scientific and Technical Information Program

- References: (a) DoD Directive 3200.12, "DoD Scientific and Technical Information Program," February 11, 1998
- (b) DoD Instruction 5200.21, "Dissemination of DoD Technical Information," September 27, 1979 (hereby canceled)
- (c) DoD 3200.12-R-1, "Research and Technology Work Unit Information System," August 1983 (hereby canceled)
- (d) DoD 3200.12-R-2, "Centers for Analysis of Scientific and Technical Information Regulation," January 1985 (hereby canceled)
- (e) through (z), see enclosure 1

1. PURPOSE

This Instruction:

- 1.1. Implements policy, assigns responsibilities, and prescribes procedures under reference (a) to carry out the DoD Scientific and Technical Information Program (STIP).
- 1.2. Replaces references (b) through (d).
- 1.3. Delineates in enclosures 3 through 7, the major elements of the DoD STIP including the specific implementation of policy, responsibilities, principles, and operational parameters for each segment of that program as applicable.
- 1.4. Authorizes, consistent with reference (e), the issuance of the DoD Scientific and Technical Information Program Procedures Manual for the inclusion of those

procedures, practices, standards, and training guides necessary to implement a comprehensive, efficient, and effective DoD STIP.

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of *Defense*, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the *Defense Agencies*, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as "the DoD Components").

3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

4. POLICY

It is DoD policy under DoD Directive 3200.12 (reference (a)) to establish and maintain a coordinated and comprehensive program to document the results and outcome of DoD-sponsored and/or performed research and engineering (R&E) and studies efforts and provide access to those efforts in an effective manner consistent with the DoD mission. Additionally, the conduct of DoD research and engineering (R&E) and studies efforts shall be supported by the STIP through the acquisition, analysis, storage, retrieval, and dissemination of scientific and technical information (STI) and related program management information.

5. RESPONSIBILITIES

5.1. The Director, Defense Research and Engineering, as the Principal Staff Assistant to the Under Secretary of Defense for Acquisition, Technology and Logistics, shall conduct management and oversight of the STIP, as described in reference (a), and as further defined in this Instruction.

5.2. The Deputy Under Secretary of Defense for Science and Technology shall:

5.2.1. Ensure the issuance of the DoD Scientific and Technical Information Program Procedures Manual under DoD 5025.1-M (reference (e)). Approve the general contents and assign responsibilities for preparation and issuance of specific Volumes of the DoD Scientific and Technical Information Program Procedures Manual under reference (e).

5.2.2. Ensure that Defense Technical Information Center (DTIC) shall assist in implementing STIP policy and administration. The DTIC shall perform technical information support services for the OSD Principal Staff Assistants, and operate DoD-wide STI systems. The DTIC shall act as a central coordinating point for DoD STI databases and systems, and investigate and demonstrate new supporting technology for those applications.

5.3. OSD Principal Staff Assistants shall have oversight and guidance responsibility for their respective areas consistent with the policy established in DoD Directive 3200.12 (reference (a)), and consistent with the implementation of policy, responsibilities, principles, and operational parameters as described in this Instruction.

5.4. The Heads of the DoD Components shall:

5.4.1. Designate a single headquarters point of contact for all matters involving the STIP and identify the responsible individual to the Office of the *Deputy Under Secretary of Defense for Science and Technology/Plans and Programs (DUSD(S&T)PP)*.

5.4.2. Conduct management and oversight of the STIP in their respective organizations including definition of subordinate organization responsibilities consistent with the functional responsibilities defined in reference (a).

5.4.3. Ensure the exercise of functional responsibilities delineated in enclosures 3 through 6 that are necessary to implement the policies and principles of the STIP.

5.4.4. Ensure the effective implementation of this Instruction including the issuance of applicable DoD Component implementing documents when essential to define explicit internal organizational responsibilities or to further define internal principles, concepts of operation, and practices where applicable.

5.4.5. Prepare, coordinate, and issue specified Volumes of the DoD Scientific and Technical Information Program Procedures Manual in accordance with DoD 5025.1-M (reference (e)) as assigned by the *DUSD(S&T)* in accordance with paragraph 5.2.2., above.

5.4.6. Maintain a current review and inventory of STI functions and activities under their administrative control.

5.4.7. Encourage the use and sponsorship of technical symposia and meetings and of participation in the symposia and meetings by DoD scientists, engineers, and managers as an effective mechanism for STI transfer and exchange. DoD participation shall be consistent with implementation of policies in DoD Instruction 5230.27 and the security policies in DoD 5200.1-R (references (f) and (g)).

5.4.8. Support the DoD Domestic Technology Transfer Program requirements as defined in DoD Directive 5535.3 and DoD Instruction 5535.8 (references (h) and (i)).

5.4.9. Ensure that all significant scientific or technological observations, findings, recommendations, and results derived from DoD endeavors, including those generated under contracts, grants, and other instruments that are pertinent to the DoD mission or contribute to the DoD and/or the national scientific or technological base are recorded as "technical documents." Internal and contractual procedures shall ensure that copies of such documents are made available to the DoD R&E community, including supporting technical libraries, the DTIC, and applicable DoD Information Analysis Centers (IACs), and, under established security and other limitation controls, and consistent with DoD Directive 5230.9 (reference (j)), to the civilian scientific and technical community. Such documentation shall be prepared and distributed quickly and according to established standards for document format, distribution, security marking, and reproducibility consistent with DoD policy and STIP procedural guidance.

5.4.10. Operate and support activities for the input of data to centralized DoD databases including full text, bibliographic, summary, and other forms of R&E program-related information, and be responsible for the accuracy and currency of database content and reporting, in accordance with data element standards, authorities, and input procedures established by the DoD Component responsible for operation of the database.

5.4.11. Consistent with the distribution constraints marked on DoD technical information, in accordance with DoD Directive 5230.24 and the security limitations as prescribed in DoD 5200.1-R (references (k) and (g)), promote programs to ensure

maximum exchange of STI in the defense community. Pursue a policy to ensure that STI, created by activities under DoD control, is provided for public use through appropriate Federal Agencies, according to approved DoD clearance procedures prescribed by DoD Directive 5230.9 (reference (j)). To promote this exchange, each DoD Component shall provide technical documents and other information relevant to R&E programs in an unclassified manner to the maximum extent possible.

5.5. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall ensure that the Director, Defense Information Systems Agency, shall exercise operational control and oversight of DTIC consistent with the mission and functions described in enclosure 7.

6. PROCEDURES

6.1. The STIP is operated as a coordinated structure of generally decentralized activities with overall policy direction and oversight vested in the OUSD(AT&L) in coordination with or participation of the OSD Principal Staff Assistants, or designees.

6.2. The DoD STIP consists of many elements that facilitate and contribute to the acquisition, production, reproduction, and dissemination of intellectual property that result from or are of interest to the Defense R&E community. Additionally, selected STIP functions are also capable of and shall provide support on an as needed basis to the management of selected Defense acquisition programs and the DoD studies program. Enclosures 3 through 7 of this Instruction describe the implementation of policies, principles, practices, and operational parameters of one or several similar functional concepts and further delineate the STIP as described in DoD Directive 3200.12 (reference (a)). Statements of purpose, scope, and functional responsibility that are most relevant to a specified element of the STIP are included in enclosures 3 through 7 of this Instruction.

6.3. The DTIC shall provide centralized operation of specific STIP functions, such as technical document access and dissemination and database and reference services; serve as a focus for actions required to provide and enhance DoD-wide STI services; and provide direct information system and database support to the OSD Principal Staff Assistants in coordinating the overall STIP.

6.4. Maximum use shall be made of existing organizations engaged in collecting, processing, and disseminating STI such as DoD IACs, the DTIC, or other specialized STI centers designated by the OSD. STIP functions performed by those activities shall be coordinated to produce a coherent program providing maximum data and resource sharing and effective service to all valid users of DoD STI services.

6.5. A principal objective of the STIP is to improve both the scope and effectiveness of collecting, processing, disseminating, and applying STI. The STIP shall apply the latest available technologies and provide for maximum participation and compatibility among the information programs of disparate DoD Components, other Federal Agencies, and the private sector. In the collection of STI, standard data elements should be used in accordance with DoD 8320.1-M-1 (reference (l)).

6.6. Effective coordination and liaison are necessary among the STIP and those information programs involving technical intelligence, information security management, foreign disclosure activities, intellectual property counsel, technical data management, manpower, logistics, and acquisition systems to ensure maximum compatibility, interchange of information, and avoid unnecessary duplication of effort.

6.7. The overriding priority of the STIP is to ensure timely and effective exchange among DoD R&E and studies performers and managers of all STI generated by or needed in the conduct of DoD R&E programs. Because of the characteristics of defense programs, the publication and reporting of such information frequently requires security safeguards or specific limitations on access or distribution. Requests for records under the "Freedom of Information Act," 5 U.S.C. 552 (*reference (m)*), shall be processed in accordance with DoD Directive 5400.7 (*reference (n)*). For example, transfer of classified or proprietary information (with the consent of the source) would not be effective without safeguards to inhibit improper disclosure. Such protection is an acceptable cost for being able to transfer or share the information freely among certified Federal and civilian R&E communities. Additionally, STIP processes shall support and incorporate DoD policy to prevent the unrestricted export of militarily critical technology.

6.8. The Department of Defense makes a significant investment in its technology base. Activities such as DTIC, the IACs, DoD databases, and technical libraries function as repositories, custodians, and secondary distribution activities in order to maximize the return on investment in R&E and studies through their retention of STI. As such, applicable plans and resources shall be made available by the affected DoD activities to preserve essential STI when such actions as organizational realignments, consolidations, program cancellations; etc., have the impact of eliminating in whole or in part the STI holdings of such activities.

6.9. Every effort shall be made, under the limits of national security requirements, to prepare technical documents and other types of defense STI in an unclassified form and, in accordance with established clearance procedures, to provide such information for public use through appropriate Federal Agencies. Such use of unclassified STI or of unclassified versions of defense STI shall expedite information transfer both in the Department of Defense and to the national scientific and technical community.

6.10. All policies and procedures governing the dissemination to the public of information in the STIP shall be subject to the approval of the *Assistant Secretary of Defense for Public Affairs* under authority of DoD Directives 5230.9 and 5122.5 (references (j) and (o)).

6.11. One or more STI functions are needed by and shall be used by the DoD Components to implement the policies and procedures of the DoD STIP. Those STIP functions involve recording and transferring STI from its generator or source to the ultimate user or beneficiary of new knowledge. Those STI functions embrace a broad spectrum of activity from generation, publication, distribution, and storage, to access, assimilation, and use of STI and documents. STI functions include, but are not limited to the following:

6.11.1. The preparation, reproduction, and distribution of STI and documents.

6.11.2. The provision of document services, including acquisition, archival functions, repositories, announcements, and various means of document dissemination, access, or transmission.

6.11.3. The operation of technical information centers, data centers, IACs, technical libraries, and other similar information activities that collect, store, process, and provide associated document, data, or information services in direct support to information seekers or that act as intermediaries between the user and other STI functions.

6.11.4. The implementation and operation of database services, including numeric, bibliographic, full-text, and management information databases, database processes and products, and the application of electronic and telecommunications techniques for data entry, storage, access, search, and retrieval.

6.11.5. The provision of information and decision-support systems and services for use in management of R&E programs.

6.11.6. The operation of directory or reference services to identify and locate available STI and R&E capabilities and resources.

6.11.7. The conduct and support of technical meetings and symposia.

6.11.8. The provision of information exchange programs to facilitate transfer of technological innovation and know-how from DoD R&E programs to civilian purposes.

6.11.9. The operation of programs to effect exchange of DoD technical planning, requirements, and acquisition information with industrial or other organizations capable of engaging in DoD programs.

6.11.10. The study of and experimentation with new methods and techniques in handling STI and promoting the communication of new ideas or knowledge among scientists and engineers.

6.11.11. Security aspects of information management to include systematic review, maintenance and notification, and changing distribution statements, classification markings; etc., up to and including public release.

6.11.12. The development and implementation of mechanisms and techniques to foster the awareness and use of STI resources, products, and services.

| 7. EFFECTIVE DATE

| This Instruction is effective *immediately*.

Paul Kaminski

Under Secretary of Defense for Acquisition
and Technology

Enclosures - 7

- E1. References, continued
- E2. Definitions
- | E3. Identifying and Promoting Awareness of DoD R&E and Studies Efforts
- E4. Documentation and Distribution of DoD R&E and Studies Efforts
- E5. DoD IACs
- E6. Access to and Dissemination of DoD Technical Information
- E7. DTIC

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD 5025.1-M, "DoD Directives System Procedures," August 1994
- (f) DoD Instruction 5230.27, "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987
- (g) DoD 5200.1-R, "Department of Defense Information Security Program Regulation," January 1997
- (h) DoD Directive 5535.3, "DoD Domestic Technology Transfer (T²) Program," May 21, 1999
- (i) DoD Instruction 5535.8, "DoD Technology Transfer (T²) Program," May 14, 1999
- (j) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 9, 1996
- (k) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
- (l) DoD 8320.1-M-1, "Data Standardization Procedures," April 1998
- (m) Section 552 of title 5, United States Code
- (n) DoD Directive 5400.7, "DoD Freedom of Information Act (FOIA) Program," September 29, 1997
- (o) DoD Directive 5122.5, "Assistant Secretary of Defense for Public Affairs (ASD(PA))," September 27, 2000
- (p) DoD Directive 5230.25, "Withholding Unclassified Technical Data from Public Disclosure," November 6, 1984
- (q) DoD Directive 4205.2, "Acquiring and Managing Contracted Advisory and Assistance Services (CAAS)," February 10, 1992
- (r) DoD 5200.28-M, "ADP Security Manual," January 1973
- (s) CSS-STD-003-85, "Computer Security Requirements-Guidance for Applying the Department of Defense Trusted Computer System Evaluation Criteria in Specific Environments," June 25, 1985 ¹
- (t) American National Standards Institute (ANSI) Standard Z39.18-1995, "American National Standards for Information Sciences-Scientific and Technical Reports-Elements, Organization, and Design," March 21, 1995 ²
- (u) DoD 5220.22-R, "Industrial Security Regulation," December 1985
- (v) DoD Directive 2002.3, "Clearance of Research and Studies with Foreign Affairs Implications," August 15, 1985
- (w) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," June 16, 1992

- (x) DoD Directive 3204.1, "Independent Research and Development (IR&D) and Bid and Proposal (B&P) Program," May 10, 1999
- (y) DoD Directive 8910.1, "Management and Control of Information Requirements," June 11, 1993
- (z) OMB Bulletin No. 95-01, "Establishment of Government Information Locator Service," December 7, 1994

¹ Available from Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, *Pittsburgh, PA* 15250-7954

² Available from American National Standards Institute, ATTN: Customer Service, 11 West 42nd Street, New York, *NY* 10036

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Analysis. A qualitative or quantitative information evaluation requiring technical knowledge and judgment.

E2.1.2. Contractor. An individual or organization outside the U.S. Government, including both prime contractors and subcontractors, who has accepted any type of agreement or order to provide research, supplies, or services to a U.S. Government Agency.

E2.1.3. Controlling DoD Office. The DoD activity that sponsored the work that generated the technical document for the Department of Defense and has the responsibility for determining the distribution of a document with such technical information. For joint sponsorship, the controlling office is determined by advance agreement and may *be* either a party, group, or committee representing the interested activities or the DoD Components. (See DoD Directive 5230.24 (reference (k)).)

E2.1.4. Defense Community. As the Department of Defense conducts its mission of U.S. national security it needs to share information, coordinate, and engage in a dialogue with others outside the Department of Defense. This includes people in other Federal Agencies, contractors, educational organizations, technical societies, State and local governments, and foreign governments. As used in this Instruction, *these collective bodies of people including DoD personnel constitute the Defense community*.

E2.1.5. Database. A set of records collected and organized in a meaningful manner to serve a particular purpose.

E2.1.6. Defense Industry Information. Technical planning, requirements, and acquisition information provided to industry through various programs to enable industry to meet defense weapons and support systems needs. Those programs include DoD Information Analysis Centers (IACs), DTIC, potential contractor programs of the DoD Components, DoD Component Information for Industry Offices, advance planning briefings for industry, technical meetings on special topics, and similar activities initiated by the DoD Components.

E2.1.7. Defense Information. Information about the mission of the Department of Defense and DoD Component organizations.

E2.1.8. Distribution Statement. A statement assigned by the controlling DoD office and used in marking a technical document to denote the extent of its availability for distribution, release, and disclosure without additional approvals or authorizations from the controlling DoD office. A distribution statement marking, as described in DoD Directive 5230.24 is distinct from and additional to a security classification marking assigned, in accordance with DoD 5200.1-R, and an export warning notice assigned, in accordance with DoD Directive 5230.25 (references (k), (g), and (p)).

E2.1.9. Legitimate Business Relationship. For this Instruction, a legitimate business relationship exists when the Department of Defense has determined that a need exists to acquire, share, exchange, or disseminate DoD technical information to anyone other than a DoD Government employee for supporting the DoD mission. That relationship may be established by any agreeable means such as a memorandum of understanding, agreement, contract, grant, etc. The Department of Defense has the sole responsibility for determining that a legitimate business relationship exists since the only purpose is to provide access to information created by or under the control of the Department of Defense. Such a relationship may be established with an individual or organization in another Federal Department or Agency; contractors, grantees, potential DoD contractors; etc., other branches of the Federal Government; State and local governments; and foreign countries.

E2.1.10. OSD Principal Staff Assistants (PSAs). The Under Secretaries of Defense, the Director of Defense Research and Engineering, the Assistant Secretaries of Defense, the Director of Operational Test and Evaluation, the General Counsel of the Department of Defense, the Inspector General of the Department of Defense, the Assistants to the Secretary of Defense, and the OSD Directors or equivalents who report to the Secretary or Deputy Secretary of Defense.

E2.1.11. Potential DoD Contractor. An individual or organization outside the Department of Defense approved and certified by a sponsoring DoD activity as "eligible for DoD technical information services under a DoD Component potential contractor program." The sponsoring DoD activity should be reasonably ensured that this individual or organization may benefit by their access to Defense technical information in their understanding of and for responding to a DoD acquisition.

E2.1.12. Primary Distribution. The initial targeted distribution of or access to technical documents authorized by the controlling DoD office.

E2.1.13. Qualified U.S. Contractor. In accordance with DoD Directive 5230.25 (reference (p)), a private individual or enterprise located in the United States whose

eligibility to obtain unclassified export controlled technical data has been established through certification procedures on the DD Form 2345.

E2.1.14. Scientific and Technical Documents. Documented result of DoD-sponsored or defense-related R&E efforts. The work may have been performed either in-house or externally by contractors, subcontractors, *and grantees* or by other similar business relationships. Scientific and technical documents include, but are not limited to, final and interim technical reports, technical notes, technical memoranda, technical papers, special reports, conference proceedings, journal articles, test reports, project officer reports, and other formats regardless of media.

E2.1.15. Scientific and Technical Information (STI). Communicable knowledge or information resulting from or about the conduct and management of scientific and engineering efforts. STI is used by administrators, managers, scientists, and engineers engaged in scientific and technological efforts and is the basic intellectual resource for and result of such efforts. STI may be represented in many forms and media. That includes paper, electronic data, audio, photographs, video, drawings, numeric data, textual documents; etc.

E2.1.16. Secondary Distribution. Distribution of or access to a document, usually based on a request to a document repository or information center, provided subsequent to an initial distribution performed or controlled by the authoring or sponsoring DoD Component.

E2.1.17. Technical Data. Recorded information related to experimental, developmental, or engineering works that can be used to define an engineering or manufacturing process or to design, procure, produce, support, maintain, operate, repair, or overhaul material. The data may be graphic or pictorial delineations in media, such as drawings or photographs, text in specifications or related performance or design type documents, or computer printouts. Examples of technical data include research and engineering data, engineering drawings, and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog-item identifications, and related information and computer software documentation.

E2.1.18. Technical Document. Any recorded information that conveys STI or technical data regardless of media. For the STIP, that includes such information documents as working papers, memoranda, and preliminary reports when such documents have utility beyond the immediate mission requirement, or shall become part of the historical record of technical achievements.

E2.1.19. Technical Information Dissemination Activity. Any activity, such as DTIC, which operates to assist individuals and organizations in the Department of Defense to effect adequate and timely dissemination of technical information describing planned or ongoing R&E, studies, and analysis efforts and documented results of such efforts and to provide systems and services to assist eligible users to identify, access, acquire, and use DoD technical information.

E2.1.20. Technical Library. An activity that acquires, organizes, houses, retrieves, and disseminates information and information materials; and performs reference and research in direct support of a host activity's R&E mission. It also may provide all or any one of such services as analysis, current awareness, literature searching, translations, and referral. A technical library may also be called a "technical information center."

E2.1.21. Technical Report. Any preliminary, interim, or final technical document prepared to record, document, or share results obtained from, or recommendations made on, or relating to, DoD-sponsored or cosponsored scientific, technical, studies, or analytical work.

E2.1.22. Technical Symposia and Meetings. Formally scheduled assemblies for the presentation and discussion of topics about R&E programs.

E2.1.23. U.S. DoD Contractor. Those U.S. contractors currently holding grants or contracts with Department of Defense, or those contractors declared eligible for DoD information services by a sponsoring DoD activity on the basis of participation in a DoD Potential Contractor Program.

E3. ENCLOSURE 3

IDENTIFYING AND PROMOTING AWARENESS OF DoD R&E AND STUDIES EFFORTS

E3.1. PURPOSE

E3.1.1. *The DoD plans for and invests significant resources (manpower, facilities, and dollars; etc.) in research, development, test, and evaluation (RDT&E), and other similar types of scientific and engineering efforts. Significant resources are also invested in the DoD Studies and Analysis Program. The Department of Defense shall establish systematic and coordinated efforts to identify and promote awareness of such R&E and studies activities through a variety of information support capabilities.*

E3.1.2. *The DoD RDT&E programs accomplish the above purpose through a series of planning, programming, and budgeting processes under the oversight of the DDR&E and in coordination with the senior science and technology (S&T) executives of the DoD Components. These processes include the Joint Warfighter S&T Plan, the Defense Technology Objectives, the Defense Technology Area Plans, and the Research and Development Descriptive Summaries. Through the development, coordination and use of these documents, the Defense Reliance process of program reviews, coordination of investment decisions, and assessment of program results promotes an environment of timely and cost-effective RDT&E management and facilitates the elimination of unnecessary duplication of effort.*

E3.1.3. *The DoD Studies and Analysis communities accomplish the above purpose by briefly describing the purpose, objective, approach, scope, and duration of planned and ongoing study and analysis efforts in project summary form. This includes Contracted Advisory and Assistance Services summaries as required by DoD Directive 4205.2 (reference q)). The project data is then shared and coordinated within DoD communities of interest (e.g., personnel studies, organizational studies, program cost studies, etc).*

E3.1.4. *The contents of the documents/databases identified in paragraph E3.1.2. replace the DoD Technical Effort and Management System (TEAMS) authorized by enclosure 3 issuance of this Instruction. To maintain an awareness of previous DoD efforts, DTIC shall retain previous TEAMS or predecessor Work Unit Information System (WUIS) records for at least 10 years.*

E3.2. SCOPE

E3.2.1. *The documents, databases, and program information activities identified in paragraphs E3.1.2. and E3.1.3., above, are included in the scope of this Instruction primarily for the purpose of providing a common information support environment to collect, organize, and make accessible to the Defense community appropriate information necessary to meet DoD program needs. The scope as to data content and access are specified by the DoD Components that direct the establishment and use of various documents, databases, and program information described paragraphs E3.1.2 and E3.1.3., above, or other similar information activities as prescribed by DoD Components.*

E3.2.2. *Consistent with the mission and functions of the DTIC as stated in Enclosure 7, DTIC shall provide information management, operation, and support as appropriate and as directed to the types of program activities described in the Enclosure.*

E3.2.3. *DoD Components Database Enhancement. Individual DoD Components may, in coordination with DTIC and subject to ODDR&E(S&T)/PP approval, provide Component-unique data to DTIC in order to enhance the management or exchange of information about their programs. Access to Component-unique data shall be specified by the contributing DoD Components or the DoD Component Headquarters.*

E3.2.4. *The DTIC shall make reasonable efforts to provide timely support to such requirements to minimize the development of similarly redundant systems.*

E3.3. RESPONSIBILITIES

E3.3.1. *The Office of the Deputy Under Secretary for Science and Technology/Plans and Programs DUSD(S&T)PP shall:*

E3.3.1.1. *Approve the development and use of data efforts at DTIC in these types of STI support activities beyond those specified in paragraphs E3.1.2. and E3.2.3., above.*

E3.3.1.2. *Approve the addition of DoD Component-unique data to DTIC-supported STI systems/databases/documents identified in paragraphs E3.1.2. and E3.1.3., above.*

E3.3.2. The Heads of the DoD Components shall:

E3.3.2.1. Establish input and use requirements as an integral part of their R&E and studies functions.

E3.3.2.2. Designate focal points to coordinate with DTIC on the establishment for appropriate input, search, and output requirements/databases identified and as required in paragraphs E3.1.2. and E3.1.3., above.

E3.3.3. The Administrator, DTIC, shall:

E3.3.3.1. Develop, maintain, and operate appropriate databases, in accordance with the concepts stated in this enclosure in support of the coordinated and approved requirements of the DoD Components.

E3.3.3.1.1. Prepare, coordinate with the DoD Components, and issue as a Volume of DoD Scientific and Technical Information Program Procedures Manual, consistent with DoD 5025.1-M (reference (e)), uniform procedures, codes, data elements, and formats for submitting records to, searching, and obtaining records from the databases DTIC establishes, operates and/or maintains to support DoD Components' needs.

E3.3.3.1.2. Provide output and retrieval services to eligible users.

E3.3.3.1.3. Provide and operate an interactive, online system for database input, access, and retrieval.

E3.3.3.2. Ensure that all applicable security requirements are addressed, in accordance with DoD 5200.28-M, and that provisions for input, access, and retrieval are in accordance with the computer security requirements of CSC-STD-003-85 (references (r) and (s)).

E3.4. MARKING, ACCESS, AND RELEASE

E3.4.1. A DoD Distribution Statement in accordance with DoD Directive 5230.24 (reference (k)).

E3.4.2. A security classification marking, when required, in accordance with DoD 5200.1-R (reference (g)).

E3.4.3. *An export warning notice, when required for export control, in accordance with DoD Directive 5230.25 (reference (p)).*

E3.5. RELEASE OF DATA

E3.5.1. *Subject to security restrictions and specific release limitations, as identified by the originator and/or the DoD Component that controls the documents identified in paragraph E3.1.2. or E3.1.3., above, data in these documents or databases are releasable to the DoD Components, DoD contractors, other U.S. Government Agencies, and their contractors. In all cases, the requester must currently be registered with Department of Defense, in accordance with enclosure 6, below.*

E3.5.2. (An important objective of the DoD STIP is to improve the efficiency and effectiveness of the overall DoD R&E Program by sharing information about prior and on-going DoD-supported work among the DoD in-house R&E community and the DoD contractor community. Therefore, records shall normally be prepared to allow access and use by DoD contractors and grantees. When specific records or data elements reveal planned expenditures or levels of planned obligations, those records or data elements shall be withheld from contractor or grantee users. Budgetary planning data used to program funds for potential procurement actions that are *competition* price sensitive are not releasable to contractor and/or grantee users until contract award by the appropriate Government activity. Once the work effort is on-going, or the funds for the effort are obligated, the access limitations based on competition sensitivity shall be withdrawn. With the majority of DoD work efforts being performed by contractors and grantees it is essential and in the best interest of the DoD to maximize their access to that type of data.)

E4. ENCLOSURE 4

DOCUMENTATION AND DISSEMINATION OF DoD R&E AND STUDIES EFFORTS

E4.1. PURPOSE

E4.1.1. An inherent characteristic of the DoD R&E and studies programs is the documentation and dissemination of the results and outcomes of efforts conducted by or for the Department of Defense. Such documentation and dissemination are considered to be an integral part of such efforts, and those efforts are not considered complete until documentation and dissemination are completed.

E4.1.2. R&E and studies efforts shall be documented and disseminated expeditiously. That is intended to contribute to performance of similar efforts by others in the DoD community.

E4.2. SCOPE

E4.2.1. R&E and studies efforts shall be documented whether or not the conduct of the efforts result in a successful outcome. Description of all efforts provides others in the Department of Defense with a technology base that promotes a logical basis for the investment in and conduct of future efforts.

E4.2.2. The requirements of this enclosure apply to all of the DoD Components.

E4.3. RESPONSIBILITIES

The DoD Components shall ensure that all R&E and studies efforts are documented and disseminated when performed by or sponsored in whole or in part by activities under their control.

E4.4. IMPLEMENTATION OF POLICY, PRINCIPLES, AND CONCEPTS

E4.4.1. DoD R&E and studies efforts performed by or sponsored in whole or in part by DoD activities shall be documented sufficiently to permit others to comprehend the purpose, scope, approach, results or outcomes, and conclusions or recommendations from the conduct of such activities.

E4.4.2. Wide and timely dissemination of all documented efforts promote a greater awareness of the technology base and serves in part to promote the awareness of the expertise and capabilities of performing personnel and the organizations.

E4.4.3. Such efforts may be documented in any media or form including paper or electronic copy, and shall include text, graphics, and audio, but shall be prepared in a logical form and in sufficient detail to promote maximum understanding of the efforts by those intended to receive primary distribution of the documented efforts.

E4.4.4. Documented efforts regardless of media or form shall be prepared, to the maximum extent practical, in accordance with ANSI Standard Z39.18-1995 (reference (t)), which is adopted for DoD use. Additionally, a SF 298, "Report Documentation Page," is established for that purpose and shall be prepared for each documented effort.

E4.4.5. It is recognized that many R&E and studies efforts have the potential, when documented, to include unclassified but sensitive, or classified information. DoD activities have the responsibility to ensure that all documents are marked, in accordance with DoD Directive 5230.24 and DoD 5200.1-R (references (k) and (g)). Documents that are not restricted should be cleared for public release, in accordance with DoD Directive 5230.9 (reference (j)), and marked with "Distribution Statement A" as required by reference (k). While DoD contractors prepare and disseminate a significant amount of DoD R&E and studies efforts, the DoD activity that sponsored the work shall ensure all documented efforts regardless of media or form are marked in accordance with DoD Directives 5230.9 and 5230.24, and DoD 5200.1-R (references (j), (k), and (g)).

E4.4.6. In order to protect DoD interests in the inventions that result from DoD R&E efforts, DoD activities are encouraged to pursue the patenting and licensing of those inventions. Additionally, DoD activities shall pursue a coordinated effort to acquire Government rights to intellectual property developed in whole or in part at Government expense so that such intellectual property may be utilized in current and future DoD programs.

E4.4.7. To the maximum extent possible, documented efforts shall be prepared in unclassified and otherwise unrestricted form in accordance with DoD Directive 3200.12 (reference (a)). When not possible, then DoD activities shall attempt to prepare restricted versions of such efforts and/or unclassified, unrestricted bibliographic citations and abstracts of such efforts. That is intended to promote a broad awareness of the existence of such documents in the Department of Defense and

the national scientific and technical community. Subsequent requests for such documents shall be processed, in accordance with established clearance procedures.

E4.4.8. The preparation and dissemination of technical documents often involve a number of different disciplines. Personnel responsible for printing, editing, public affairs, data management, security, intellectual property counsel, contracting; etc., often have a role in the preparation and dissemination of documents. The local STIP manager shall help coordination of necessary practices and procedures with the personnel, above, so that the people responsible for the preparation and dissemination of documents may do so expeditiously.

E4.4.9. Primary distribution of all documents, regardless of form, shall be the responsibility of the DoD activity that performed or sponsored the work in whole or in part. Primary distribution shall be to the technical community having a direct and immediate interest in the outcome of the R&E or studies efforts. The DTIC, applicable DoD IACs, and the local DoD technical library or repository that supports the activity responsible for sponsoring and creating the documents shall be recipients of the primary distribution at the same time. The preparation and dissemination of R&E and studies efforts in the form of journal articles, poster papers at a symposia, and other means external to DoD shall not be in lieu of providing those same documents to the DTIC, appropriate DoD IACs, and the local technical library.

E4.4.10. The posting of documented efforts on an electronic bulletin board, homepage, the Internet or some other internal or external network does not constitute in and of itself primary distribution of documented R&E and studies efforts. The methods of electronic dissemination are by their very nature transient and relatively short lived.

Primary distribution must be explicitly directed to the intended recipients. The activity responsible for primary distribution of documents by electronic means must take positive steps to ensure that receiving activities are capable of receiving the data by that means and in an intelligible form. This includes individuals that are the intended recipients of the document and secondary dissemination activities including technical libraries, DTIC, and appropriate DoD IACs. Providing electronic documents that are configured by computer hardware or software that are not readily available to the recipients precludes the use of such technical information. If the recipients cannot readily read, interpret, or convert the electronic document, then the activity shall provide the document in some other media.

E4.4.11. DoD activities shall exercise reasonable diligence in the preparation of technical documents in final form. Retention of technical documents as working drafts,

coordination copies; etc., shall not be utilized as a method to avoid preparation and distribution of documents in final form. Additionally, a verbal presentation at the conclusion of an R&E effort may be given but not instead of the documentation of an R&E effort. A verbal presentation often enhances understanding of the R&E or study performed. At the same time the documentation of the efforts permits a more permanent record and wider dissemination of the work and allows the Department of Defense to leverage the resources invested in the effort to the larger Defense community for a longer period of time. As an example the dissemination of papers presented at a conference and/or conference proceedings to others in DoD who are unable to attend the conference, and to the DTIC, appropriate DoD IACs, and the local technical library broadens the awareness and retains the documented knowledge of what was presented for future use.

E4.4.12. The DoD Components shall ensure that their contractors and grantees have access to and utilize applicable DoD STI facilities including DTIC, relevant DoD IACs, and relevant specialized databases and information collections at various DoD activities consistent with security and other access restrictions.

E4.4.13. By its very nature scientific and technical information and planning information exist in all media and forms and are represented in raw form such as data, laboratory notes and observations as well as more cohesive forms such as reports, articles, and presentations. Without intending to be all inclusive, the types of items listed below shall be provided to DoD repositories and secondary dissemination activities including DTIC, applicable DoD IACs, and local technical libraries. Those items to be provided include the following:

E4.4.13.1. Acquisition systems planning documents such as weapons systems, components or subsystems, technology capabilities; etc.

E4.4.13.2. Basic and advanced research planning documents.

E4.4.13.3. Science and technology planning documents to support military mission needs and requirements.

E4.4.13.4. Defense Technology Area Plans to support the investments in DoD technology.

E4.4.13.5. Planning, Programming, and Budgeting System documents in support of DoD acquisition and related technology program focus areas including:

E4.4.13.5.1. Planning documents such as the National Military Strategy Document and the Defense Planning Guidance.

E4.4.13.5.2. Program documents such as the Chairman, JCS Program Assessment, programmatic issue books, and Program Decision Memoranda.

E4.4.13.5.3. Budget documents such as the Budget Estimate Submission, Program Budget Decisions, and Research and Development Descriptive Summaries.

E4.4.13.6. Acquisition Systems and Programs Life-Cycle Documents. These include but are not limited to:

E4.4.13.6.1. Mission Needs Statements.

E4.4.13.6.2. Operational Requirements Documents.

E4.4.13.6.3. Analyses of Alternatives (previously identified as Cost and Operational Effectiveness Analyses).

E4.4.13.6.4. Acquisition Program Baseline Documents.

E4.4.13.6.5. Annual Operational Test and Evaluation Reports.

E4.4.13.6.6. Contract management reports of a programmatic or evaluative nature.

E4.4.13.6.7. Cost, schedule, and performance program reports related to specific system or technology program objectives.

E4.4.13.6.8. Program deviation documents related to programmatic changes to purpose, scope, objective, performance requirements; etc.

E4.4.13.6.9. Test and evaluation reports.

E4.4.13.6.10. Live fire test and evaluation reports.

E4.4.13.7. External management and policy information such as Presidential Decision Directives, Executive Orders, OMB Bulletins, Congressional and GAO reports and testimony, and science advisory board and similar advisory group reports when related to DoD acquisition and related technology programs.

E4.4.14. Studies and analyses documents cover a wide range of typical areas and support all aspects of the DoD mission. While many studies and analyses contain STI, many others do not. In order for the DoD repositories such as DTIC, the DoD IACs, and local technical libraries to support the Department of Defense, it is intended that

studies and analyses documents be provided to the repositories for retention for secondary dissemination in a manner consistent with the approval and release constraints of such documents. The following types of studies and analyses are examples of the types of documents to be provided to the DoD repositories:

E4.4.14.1. Strategic operations, concepts, military strategies, force structure alternatives.

E4.4.14.2. Technology assessments, insertion, and deployment.

E4.4.14.3. Operations research and analysis in support of operations and operational capabilities.

E4.4.14.4. Evaluation of studies and analysis tools.

E4.4.14.5. Test and evaluation studies.

E4.4.14.6. Analyses of alternatives in support of operational and technology program management.

E4.4.14.7. Training studies and analyses.

E4.4.14.8. Defense functional area studies and analyses for functions such as logistics, manpower and personnel, readiness; etc.

E5. ENCLOSURE 5

DoD INFORMATION ANALYSIS CENTERS (IACs)

E5.1. PURPOSE

The Department of Defense establishes IACs to acquire, digest, analyze, evaluate, synthesize, store, publish and disseminate worldwide STI and engineering data in a clearly defined specialized field or subject area of significant DoD interest or concern. Additionally IACs provide advisory and other user services to their authorized user community.

E5.2. SCOPE

E5.2.1. DoD IACs are an integral part of the DoD STIP. IACs are distinguished from technical information centers or libraries whose functions are concerned with providing reference to or access to technical documents themselves or technical information databases rather than utilizing a technically expert staff to assess and provide relevant technical information to meet a specific user need. Although an IAC normally maintains document or database collections, a significant differentiating aspect of an IAC is the utilization of scientists and engineers in an IAC defined field or subject area in the performance of many of the functions of a DoD IAC.

E5.2.2. IACs are established primarily to support the Department of Defense, but may also support others in the public and private sector consistent with security and other constraints normally applicable to the Department of Defense and its contractors.

E5.3. FUNCTIONS

E5.3.1. Basic or Core Activities

E5.3.1.1. Focus. IACs are staffed by scientists, engineers, and information specialists who provide users with focused expert assistance and unbiased scientific and technical information. They establish and maintain comprehensive knowledge databases that include technical, scientific, and other data and information collected on a worldwide basis in their field of interest. They identify sources and assess the relevance of data held by others. IACs coordinate closely with their sponsoring DoD technical communities and the DoD user community in general as a means to focus their efforts on Defense community needs. IACs also collect, maintain and develop analytical tools and techniques including databases, models, and simulations.

E5.3.1.2. Representative Types of Activities. IACs are staffed with subject experts to provide in-depth analysis services and create specialized technical information products. IAC products and services include, but are not limited to, abstracts and indexes; technical and bibliographic inquiry services; technical assessments; support and promotion of exchanges of information among scientists, engineers, and practitioners of disciplines in the scope of the IAC or their field of interest; preparation of state-of-the-art reports; handbooks; data books; data sets; critical reviews; standards and technology benchmarks; problem definitions; alternative technology analyses; and current awareness activities.

E5.3.2. Additional or Special Activities or Tasks. DoD IACs are established with the explicit intent to perform additional tasks within their areas of expertise and technical focus above and beyond the basic or core activities as described in paragraph E5.3.1., above. The establishment of core information and specialized expertise in their defined area of interest is in part established to respond to the needs of the Defense technical community. That permits an effective and efficient method of leveraging the technology base. Those additional tasks or special activities are efforts that are specifically defined by a requiring organization as the need arises and are consistent with the area of competence and concern that defines the technical focus of a particular IAC. The requiring activity normally provides the funds necessary to perform the task unless waived by the sponsoring DoD Component activity.

E5.4. RESPONSIBILITIES

| E5.4.1. The DUSD(S&T) shall:

E5.4.1.1. Maintain management control and oversight of the IAC program consistent with the policies and concepts of the DoD STIP, as defined in DoD Directive 3200.12 (reference (a)).

E5.4.1.2. Approve or disapprove all proposals by the Headquarters of the DoD Components to establish or disestablish an IAC or make major changes in an IAC's scope or subject area.

E5.4.1.3. Designate the "Sponsoring DoD Component" for each IAC.

E5.4.1.4. Designate a DoD activity or organization to provide a technology specialist to act as the "Technical Monitor" for each IAC.

| E5.4.2. The ODUSD(S&T) staff that exercises oversight of the STIP shall:

E5.4.2.1. Monitor the IAC program including periodic review of the performance of each IAC in meeting the defined goals and objectives in their prescribed area of interest.

E5.4.2.2. Provide program guidance, as necessary, to meet the intent of the program and promote the technology objectives of the Department of Defense.

E5.4.2.3. Appoint an ad hoc review board on a periodic, as needed, basis to review each IAC.

| E5.4.3. The Sponsoring DoD Component shall:

E5.4.3.1. Provide continuous administrative and operational management for each assigned IAC. Designated "in-house DoD IACs" are assigned to the proposing Military Service or Defense Agency, as approved by the DUSD(S&T). Contractor-operated IACs are assigned to an appropriate sponsoring DoD organization.

E5.4.3.2. Budget for the basic operations and core functions of assigned IACs.

| E5.4.3.3. Prepare and defend programs and budgets consistent with annual budget cycles and DUSD(S&T) requirements for each assigned IAC.

E5.4.3.4. Establish approved IACs through acquisition of contract services or direct in-house establishment.

E5.4.3.5. Review performance of the IACs, in coordination with the technical monitor and the ODUSD(S&T)/PP staff exercising staff oversight of the IAC program.

E5.4.4. The Technical Monitor shall:

E5.4.4.1. Provide continuous technical direction and oversight for the assigned IAC.

E5.4.4.2. Assess technical subject requirements and adequacy of literature and database coverage by the IAC for users in the defense community.

E5.4.4.3. Evaluate and approve IAC proposals for products and services from the technical standpoint.

E5.4.4.4. Be a Government employee and not a member of the IAC contractor staff. Synonymous titles are "Technical Manager," "Government Project Engineer," "Contracting Officer's Technical Representative (COTR)," or other such titles that demonstrate technical oversight of IAC activities. For contractor-operated IACs, the technical monitor shall approve the designation of the COTR, if the technical monitor does not function in that capacity.

E5.4.4.5. Provide the technical requirements input for the "Statement of Work" for contractor-operated IACs.

E5.4.4.6. Assist the sponsoring DoD Components in identifying program requirements necessary to support preparation of budget and program documents for assigned IACs.

E5.4.4.7. Ensure that all technical documents and data produced by the DoD contractor-operated IACs are properly marked in accordance with DoD Directives 5230.9, 5230.24, and DoD 5200.1-R (references (j), (k), and (g)). For "basic" or "core" activities of the IAC, as described in paragraph E5.3.1.1., above, the COTR shall be identified as the controlling DoD office. For "additional" or "special" activities of the IAC, as described in subsection E5.3.2., above, the requiring DoD activity shall be the controlling DoD office.

E5.4.5. The DoD Components shall:

E5.4.5.1. Provide their technical requirements to the technical monitor, to assist in determining the scope, focus, and conduct of an IAC's technical activities.

E5.4.5.2. Fully fund any additional IAC products and services beyond basic or core-funded activities unless otherwise authorized by the sponsoring DoD Component.

E5.4.5.3. Utilize the DoD IACs when they may best meet the Component's technical requirements.

E5.4.5.4. Ensure that the DoD IACs routinely receive technical reports and data sets about the IAC's subject area of interest as part of the Component's primary distribution of technical information.

E5.4.5.5. Invite the participation of DoD IACs in DoD-sponsored technical symposia in the IAC's subject area of interest.

E5.5. IMPLEMENTATION OF POLICY, PRINCIPLES, AND CONCEPTS

E5.5.1. Information analysis and evaluation activities are an essential and integral part of the scientific research and engineering processes conducted by or for the Department of Defense. When significant requirements are recognized or benefits can be derived through institutionalizing such efforts, the Department of Defense shall establish a DoD information analysis center in a clearly defined, specialized field or subject area of particular interest or concern to the Department of Defense. IACs are formally established by the Department of Defense to acquire, digest, analyze, evaluate, synthesize, store, publish, and provide advisory and other user services concerning available worldwide scientific and technical information and engineering data in its defined field or area of interest.

E5.5.2. DoD IACs shall be established primarily to support the mission of the Department of Defense. That includes in-house activities as well as contractors and others who provide direct and indirect support to the Department of Defense. DoD IACs may also serve others in the public and private sector to the extent practicable and consistent with the constraints of DoD 5200.1-R and DoD 5220.22-R (references (g) and (u)). DoD policy on export-controlled technical data included in DoD Directive 5230.25 (reference (p)), and other restrictions on DoD information as applicable shall be incorporated into the handling of data by the IACs.

E5.5.3. Each DoD IAC shall have a technical program Charter. The contents of the Charter are described in paragraph E5.6.3., below, as part of the criteria for establishing a DoD IAC but the criteria are equally relevant to those IACs already in existence.

E5.5.4. Classified or special category material may be received by an IAC provided that the information supports the mission of the IAC and appropriate security measures have been established. Additionally, IACs shall not receive, process, or disseminate scientific or technical intelligence unless specifically authorized by appropriate DoD intelligence activities and the DoD technical monitor. That is not intended to preclude IAC access to such information or to scientific or technical information developed or derived from intelligence data, but merely to prescribe that appropriate coordination and approval incidental to conduct of IAC activities shall occur.

E5.5.5. Each IAC shall maintain a core staff of technical experts in its field of specialization. The IAC shall be attached to or have a working relationship with a private sector or DoD organization engaged in technical work in its mission area and are encouraged to seek assistance from qualified experts employed by that organization (and others, as needed) to ensure the highest technical quality for individual products and services.

E5.5.6. Each IAC *shall be* administered by a "single sponsoring DoD Component" designated by the *DUSD(S&T)*.

E5.5.7. Classified information shall be receipted, controlled, published, released or distributed, disposed of, and protected from unauthorized disclosure, in accordance with DoD 5200.1-R and DoD 5220.22-R (references (g) and (u)). Documents containing classified information shall be issued in accordance with DoD release and security procedures in references (g) and (u), after they have been reviewed and approved by responsible technical and security authorities. Information and products should be cleared for public release, in accordance with DoD Directive 5230.9 (reference (j)), if they are released to or accessible by the general public and when applicable information and products having potential foreign affairs implications shall be cleared in accordance with DoD Directive 2002.3 (reference (v)). Disclosure to foreign governments and international organizations, their contractors or representatives and other foreign persons shall be in compliance with DoD Directive 5230.11 (reference (w)).

E5.5.8. All technical documents generated by DoD-funded R&E efforts shall be marked with a DoD Distribution Statement, in accordance with DoD Directive 5230.24 (reference (k)), with an export warning notice when appropriate, as described in reference (k) and as required by DoD Directive 5230.25 (reference (p)) and with

applicable classification markings, as required by DoD 5200.1-R (reference (g)). For contractor-operated IACs applicable markings of data shall be done by the contractor as directed by COTR or another DoD employee, as designated by the COTR.

E5.5.9. DoD IACs shall establish mechanisms for cooperation and cross-fertilization of ideas on management philosophy, policy, promotion or outreach, operating procedures, and other areas of mutual interest. Periodic meetings of all DoD IAC managers, technical monitors, and sponsors shall be held for information exchange in those areas.

E5.5.10. Basic IAC operations, as defined by the sponsoring DoD Component, shall be primarily supported by DoD funds.

E5.5.11. Each IAC shall assist in advancing standardization of the technology in their technical focus and field of expertise.

E5.5.12. IACs shall make optimal use of advanced information technology and telecommunication equipment, systems, and capabilities in the operation of their centers.

E5.5.13. IACs shall acquire, store, and disseminate subject area technical information from all sources, domestic and foreign, including support of approved information exchange programs with countries that have agreements with the United States. IACs shall utilize but not duplicate the existing DoD foreign open-source scientific and technical intelligence literature exploitation program or automated database as part of any foreign acquisition efforts. It is not intended for DoD IACs to replicate substantial quantities of information from other readily available sources. At the same time, IACs are encouraged to acquire information from those sources when the information is needed to provide timely, comprehensive, and qualitative products and services.

E5.5.14. While one purpose of the IACs is to collect and disseminate STI, their performance of analytical tasks characterizes them as "R&D activities" as well as "technical information support activities." As a routine function of the analytical aspects of their information collection functions, IACs are expected to do the following:

E5.5.14.1. Verify and validate the technical accuracy and reliability of existing data.

E5.5.14.2. Generate and evaluate data collection and analysis techniques reported in the literature.

E5.5.14.3. Develop alternative approaches to collection and/or analysis of the same or similar forms of information for assigned technical areas.

E5.5.14.4. Identify and/or fill voids in existing data or knowledge bases when the IAC may provide such R&D in an economical, efficient, and unbiased manner. Those functions in paragraphs E5.5.14.1. through E5.5.14.4., above, are accomplished on a selective basis to permit the most effective use of technology and expertise resident in the IACs, and are the types of functions that distinguish a DoD IAC from libraries and other types of information centers.

E5.5.15. As defined in subsection E5.3.2., above, it is the intent of the Department of Defense to have its IACs perform additional or special activities or tasks in their individually defined technical scopes. One of the primary purposes of acquiring and maintaining core technical information and expertise is to maximize the utilization of those invested efforts. The accomplishment of additional tasks based on those core capabilities permits the Department of Defense to effectively and efficiently leverage the technology base in its areas of interest. For those IACs operated by contract, it is the responsibility of the sponsoring DoD Component activity to accomplish the contracting of both the core activities and additional tasks consistent with the technical scope of each IAC.

E5.5.16. If applicable, IACs shall participate in programs designed for the international transfer of technology in assigned areas of technical responsibility. Equally, they shall ensure that such participation does not lead inadvertently to unauthorized transfer of technology.

E5.5.17. DoD IACs shall participate in and support the Department of Defense domestic technology transfer program, as defined in DoD *Instruction* 5535.8 (reference (i)).

E5.5.18. IAC personnel are authorized and encouraged to plan, provide technical support for, and participate in major technical conferences, meetings, or symposia in their area of technical specialization. IAC sponsorship and attendance at meetings shall be consistent with DoD provisions on security and on transfer of technology. DoD activities are also encouraged to participate and sponsor conferences in their technical areas of interest. IAC contractors and DoD activities that sponsor or participate in conferences shall do so in a manner consistent with DoD Directives 5230.9, 5230.24, 5230.25, 2002.3, DoD *Instruction* 5230.27, and DoD 5200.1-R (references (j), (k), (p), (v), (f), and (g)). When DoD IACs sponsor a conference, meeting, or symposia, an in-house DoD activity is not required to sponsor it as well. IAC personnel shall

maintain contact with senior investigators and develop working relationships with technical, professional, and trade associations and related technical groups to exchange information. Meetings and conferences are to be used as an opportunity for making known the products and services of the IAC, maintaining contact with senior investigators in the specialized field of the IAC and to promote the interaction of IAC professional staff with the technical community at large.

E5.5.19. IACs shall prepare, announce, and provide primary distribution of critical reviews, state-of-the-art reports, handbooks, data compilations, lists of technical experts, and other significant publications in their assigned areas of technical specialization. IACs shall respond to inquiries from qualified users bearing in mind applicable security controls and restrictions on transfer of technology to foreign individuals and organizations.

E5.5.20. The DTIC, technical library of the DoD activity that sponsored a particular technical *effort and* other DoD IACs with a technical interest in the subject matter of a particular document shall be included in the primary distribution of documents formally issued by an IAC. That excludes direct correspondence in response to inquiries and the annual reports of the IACs unless the sponsoring DoD Component requires the reports for management oversight of IACs it sponsors.

E5.5.21. IACs shall normally not provide secondary distribution of any documents other than their own. In accordance with criteria or guidance provided by the sponsoring DoD Component, IACs may perform secondary distribution of documents or data in forms or media not available from other sources and IACs may perform secondary dissemination of documents and data when they are the only known remaining source.

E5.5.22. DoD IACs normally recover a portion of operating costs through the sale of products and services. As such, it is not intended for the DTIC to provide distribution services to their users of DoD IAC products and services. DTIC shall provide microfiche copies of IAC technical reports. On a mutually agreeable basis DTIC may provide other distribution services to the IACs such as *CD-ROM* or network services including the sharing of cost and revenues.

E5.5.23. Selected products and services provided by IACs shall include provisions for at least partial cost recovery in accordance with guidelines provided by the sponsoring DoD Component. The principle is to promote wide dissemination and use by the Defense community while discouraging the excessive ordering of products or services without recognition of the cost impact on DoD resources.

E5.6. ESTABLISHMENT OF IACs

E5.6.1. Proposals from the DoD Components for establishment of an IAC shall be processed through the same channels that are used to approve and authorize any other RDT&E program.

E5.6.2. Approval shall be based on, but not limited to, the following criteria:

E5.6.2.1. Documented evidence of a requirement to fill a void in an emerging DoD technology thrust area.

E5.6.2.2. Clear definition of subject fields to be covered and demonstration that other IACs or other sources do not duplicate or provide the same depth of coverage of the proposed IAC.

E5.6.2.3. Cost and effectiveness including evaluation of whether alternate ways of accomplishing the objectives of the IAC exist.

E5.6.2.4. Adequate financial support and plans for continuing support to achieve the announced objectives of the IAC.

E5.6.2.5. Active support of the IAC by persons engaged in the type of technical work to be covered by the IAC's information products and services.

E5.6.2.6. Evidence of capability to ensure proper security procedures and controls on technology transfer.

E5.6.3. As part of the process in defining the need, purpose, and scope of a DoD IAC, each IAC shall have a technical program Charter including the following:

E5.6.3.1. Mission and functions statement.

E5.6.3.2. Statement of need on DoD requirements.

E5.6.3.3. Statement of technical scope.

E5.6.3.4. Method of funding.

E5.6.3.5. Description of responsibilities for those DoD administrative, procurement, and technical personnel that guide the direction and operation of the IAC.

E5.6.3.6. Authority to establish and operate the IAC.

E5.6.3.7. Provisions for periodic review and revision.

E5.6.4. Each Charter is to be approved by the OSD Principal Staff Assistant responsible for technical program oversight of the IAC.

E5.6.5. Subject Coverage. Subject areas covered by an IAC may be determined from one or both of the following categories:

E5.6.5.1. Discipline Oriented Coverage. Information pertaining to all, or a clearly defined part of, a recognized scientific or engineering discipline, which has its own literature or professional traditions and is of particular interest to the Department of Defense.

E5.6.5.2. Mission Oriented Coverage. Information pertaining to a military undertaking of special interest to the Department of Defense or to a specific large weapon or its support system or a group of such systems, and therefore, an area that requires an interdisciplinary approach.

E5.6.6. Size and Location

E5.6.6.1. No specific limitations are imposed on the size of an IAC as long as the types of functions described in section E5.3., above, are accomplished.

E5.6.6.2. IACs may be located at the following:

E5.6.6.2.1. DoD installations, laboratories, and other in-house technical activities; or,

E5.6.6.2.2. Other Federal Government activities when a DoD Component sponsors the IAC in conjunction with an applicable authority in an Agency Headquarters for the other Government activity.

E5.6.6.2.3. Contractor installations (educational institutions, industrial firms, and not-for-profit institutions).

E5.6.7. Security. IACs shall satisfy all physical and document information security requirements for the protection of classified or otherwise sensitive information stored or held therein. For in-house operated DoD IACs, the IAC shall adhere to all applicable policies and practices. For contractor-operated IACs all security requirements shall be clearly specified by DoD in the contract.

E5.7. DISESTABLISHMENT OF IACS

E5.7.1. The sponsoring DoD Component, in coordination with the designated "technical monitor" and the principal DoD-user activities, may propose the disestablishment of a DoD IAC. A proposal to disestablish an IAC should include an analysis that would permit *DUSD(S&T)* to evaluate or consider the types of questions or factors described in paragraph E5.7.2., below.

E5.7.2. A combination of factors may form the basis for a decision to recommend disestablishment of an IAC. Following a complete review, the *DUSD(S&T)PP* (with the assistance of the OSD Principal Staff Assistant for IAC technical areas beyond the purview of the *DUSD(S&T)PP*) shall make the decision on disestablishment of an IAC. The following are typical questions or factors that may be considered in making such a decision:

E5.7.2.1. Is the IAC still functioning in a major DoD technology thrust area?

E5.7.2.2. Is the IAC demonstrably useful to the Department of Defense?

E5.7.2.3. Is the IAC fulfilling a DoD need that is not duplicated by other public, private, or Government organizations?

E5.7.2.4. What is the value of products or services to users for current DoD programs?

E5.7.2.5. Are funds available?

E5.7.2.6. Is the IAC maintaining proper security controls and controls over transfer of technology to foreign individuals and organizations?

E5.7.3. After the *DUSD(S&T)* has decided to disestablish an IAC, the following shall be accomplished:

E5.7.3.1. The sponsoring DoD Component shall announce a termination date at least 90 days in advance and shall require the managing supervisor of the IAC to provide a documented inventory of the IAC's holdings to the sponsoring DoD Component and DoD technical monitor.

E5.7.3.2. The sponsoring DoD Component shall decide the disposition of the IAC's holdings with the assistance of the managing supervisor of the IAC, the DoD technical monitor and the approval of the *ODUSD(S&T)PP*.

E5.7.3.3. The technical holdings of a DoD IAC including its documents, databases, and technical information represent a significant resource investment by the Department of Defense. The disposition of those tangible assets must be handled in a logical and cost-effective manner. As a result every reasonable effort should be made to retain those holdings for future use in the Department of Defense and if not possible, their disposition should be handled, in accordance with the parameters of the DoD property disposal and records management programs. One of the principle functions of DoD technical libraries is to retain the current and future technical assets of the Department of Defense. Transferring the IAC holdings to another DoD IAC or a DoD technical library shall be a primary consideration in the disposition of IAC technical holdings. Care should be taken to ensure that data restricted to DoD use for reasons such as national security, export control; etc., is retained by the Department of Defense before transfer of remaining holdings to others outside the Government or that applicable controls by the Department of Defense remain in effect.

E6. ENCLOSURE 6

ACCESS TO AND DISSEMINATION OF DoD TECHNICAL INFORMATION

E6.1. PURPOSE

The DoD Technical Information Program shall ensure the complete and timely exchange among DoD technical activities, including both the in-house and DoD contractor communities, of all technical information generated by or about the pursuit of DoD technical programs with due consideration of security requirements and access restrictions. All DoD Components responsible for dissemination of technical information shall make a positive effort to provide users accurate and timely technical information, utilizing the most effective media, including symposia, newsletters, technical reports, inquiry responses, on-line data networks, consultation and other media, and making optimum use of computer technology to store, sort, select, package, and disseminate data and information.

E6.2. APPLICABILITY AND SCOPE

E6.2.1. The implementation of policies, principles, and practices established by this section apply to the DoD Components consistent with the constraints established by DoD Directives 5230.9, 5230.24, 5230.25, 2002.3, and 5230.11, DoD 5200.1-R, and DoD 5220.22-R (references (j), (k), (p), (v), (w), (g), and (u)). That not only includes dissemination of DoD technical information internally to the Department of Defense but also applies to other Federal Government Agencies including legislative and judicial branch agencies, all Government contractors, grantees; etc., other governments (local, State, or foreign), and any others for which a DoD Component activity has an approved and established "legitimate business relationship" interest. The term "legitimate business relationship" is defined in enclosure 2.

E6.2.2. The procedures authorized by this enclosure shall be used by DoD technical information dissemination activities to control access to DoD technical information. The access afforded through use of those procedures does not override special consideration or approvals that affect the flow of controlled information, but shall provide routine access consistent with any such controls.

E6.3. RESPONSIBILITIES

E6.3.1. The ODUSD(S&T)PP shall approve service charges collected by DoD technical information dissemination activities in a manner consistent with section E6.4., below.

E6.3.2. The DoD Components shall:

E6.3.2.1. Pursue organized, coordinated, and comprehensive programs for technical information dissemination. Those programs shall provide for the routine interchange of technical information in the Department of Defense, between the Department of Defense and others in the scientific and technical community including other Federal Agencies, DoD contractors, other Federal Agency contractors, foreign governments as applicable, and the national and international scientific and technical community consistent with DoD Directives 5230.9, 5230.24, 5230.25, 2002.3, 5230.11, DoD 5200.1-R, and DoD 5220.22-R (references (j), (k), (p), (v), (w), (g), and (u)).

E6.3.2.2. Under the limits of security and access restrictions necessary to ensure adequate intra-DoD technical information exchange, vigorously pursue a policy that ensures that technical information generated by activities under their cognizance is provided for public use through applicable Federal Agencies and technology transfer programs according to approved DoD clearance procedures.

E6.3.2.3. Support the wide dissemination of technical information as part of the primary distribution of such matter, and support and sustain DoD technical information dissemination activities including the DTIC, DoD IACs, and DoD technical libraries.

E6.3.2.4. Wherever possible, provide unclassified versions of technical documents and other information to expedite the information transfer process.

E6.3.2.5. In-house DoD activities shall complete all parts of the "Registration for Scientific and Technical Information Services," DD Form 1540, and submit it to DTIC before requesting technical information from DoD dissemination activities. When classified information is requested on the DD Form 1540, that form shall be signed by the applicable security officer for that activity.

E6.3.2.6. Ensure that DoD activities under their cognizance certify access to DoD technical information for all non-DoD users based on the determination by the

DoD activity that the user has a legitimate business interest with the Department of Defense, as defined in enclosure 2. DoD personnel who certify access for non-DoD users shall have the technical competence and familiarity with the user's needs and intended use for the information to determine that it is in the best interest of the Department of Defense to provide access. Particular attention shall be focused on the subject fields of interest for access to classified information. Promptly report to DTIC any changes of certification status such as contract termination, revisions to contracts and grants concerning levels of access or completion dates, and changes of address or organization names.

E6.3.2.7. Routinely provide for the dissemination of DoD technical information for domestic technology transfer.

E6.3.2.8. Identify and provide information to DTIC describing R&E and other acquisition-related publications, databases, specialized collections, products, services, and accessibility about DoD scientific and technical information assets of DoD activities whether in-house or contractor supported. This information reporting requirement supports the DTIC-developed directory of STI resources and has been assigned Reports Control Symbol DD-A&T(AR)1922.

E6.3.2.9. Establish and support industry information centers for ready access to unrestricted and restricted DoD technical information, program planning information, and requirements documents. Those centers shall also assist DoD contractors and potential contractors in accessing DoD RDT&E activities and staff.

E6.3.3. The DTIC shall:

E6.3.3.1. Operate and maintain a uniform, DoD-wide certification and registration system. Applicable procedures, forms, and instructions shall be prepared and coordinated by DTIC, as a Volume of DoD 3200.14.M, "DoD Scientific and Technical Information Program Procedures Manual."

E6.3.3.2. Maintain a central authority file of certified and approved users. Provide methods of access and dissemination to that file such that other DoD dissemination activities may provide information to registered users applicable to their authority to receive data. Also, quickly inform DoD activities of the new registrations and changes to the timeframe, conditions, and scope of coverage.

E6.3.3.3. Establish a DoD Directory of STI resources as described in paragraph E6.3.2.8., above.

E6.3.4. DoD Technical Information Dissemination Activities may collect service charges as approved by ODUSD(S&T)PP in accordance with the policies and principles of this enclosure.

E6.4. IMPLEMENTATION OF POLICY AND PRINCIPLES OF OPERATION

E6.4.1. Registration for Defense Technical Information

E6.4.1.1. The DD Form 1540 is authorized for the collection of data required by the uniform DoD registration system established by DTIC for access and dissemination purposes.

E6.4.1.2. Classified information dissemination from a DoD dissemination activity shall be limited to the scope of a subject area field of interest as specified and certified on the DD Form 1540 unless otherwise authorized by the DoD classification authority. Such a certification shall constitute an approval by an applicable DoD official that the user's official responsibilities require access to technical information within the specified subject fields and groups on the DD Form 1540. An applicable DoD official shall certify the access of non-DoD users to DoD technical information based on the DoD official's determination that the non-DoD user has a legitimate business relationship with the Department of Defense as defined enclosure 2. Approval for access to classified or unclassified, but sensitive, technical information shall be conditioned on the fact that the user understands the conditions of use and may reasonably control access to the information by others, as necessary.

E6.4.1.3. DoD activities that have approved DD Form 1540s shall take action to notify DTIC when the classified or otherwise sensitive and/or controlled information is accessed and used in a significantly inappropriate manner. Access or termination of access to DoD technical information is solely under DoD authority, as determined to meet DoD needs. That relates to the intent of the Department of Defense to disseminate technical information to the defense community to support the DoD mission and in no manner shall be construed to limit public access and availability of DoD information approved for public release in accordance with DoD Directive 5230.9 or for information released by the Department of Defense in accordance with DoD Directive 5400.7 (references (j) and (n)).

E6.4.2. Dissemination of Defense Technical Information

E6.4.2.1. The Department of Defense shall disseminate DoD technical information in support of its technical programs and in support of similar technical

programs in other U.S. Government Agencies consistent with the DoD mission contained in DoD Directive 5230.11 (reference (w)).

E6.4.2.2. Requests from foreign organizations for classified or otherwise sensitive and/or controlled information shall be made only through applicable DoD foreign release offices under established release procedures.

E6.4.2.3. It is intended that registration for access to DoD technical information shall be available to both individuals and groups of people in an organization. If a registration is completed for a group of people, then the individual identified on the DD Form 1540 shall be authorized to receive all data (including classified or unclassified but, sensitive data) consistent with the registration. That individual is responsible for providing data to others in the organization consistent with the "DoD Distribution Statement," classification markings, and export control warning notices. That means, for example, if an in-house DoD activity requests information from a DoD dissemination activity that is marked with "DoD Distribution Statement D (Distribution Authorized to DoD and U.S. DoD Contractors)," then the requesting activity may share that information with a DoD contractor including those working in that activity or elsewhere. Dissemination to others shall only be, as approved by the "Controlling DoD Office" as specified in DoD Directive 5230.24 (reference (k)). DoD activities that operate DoD technical information networks may further limit access based on network capacity constraints, but access shall be consistent with other DoD information dissemination policies. Access to internal networks shall be consistent with DoD marking policies including DoD Directive 5230.24, DoD Directive 5230.25, DoD 5200.1-R, and DoD 5220.22-R (references (k), (p), (g), and (u)).

E6.4.3. Principles and Considerations for User Charges by DoD Technical Information Dissemination Activities

E6.4.3.1. Objectives and Implementation of Policy

E6.4.3.1.1. The DoD Acquisition Program is implemented through an extensive set of processes and procedures. The phases of the acquisition process include the following:

E6.4.3.1.1.1. Concept exploration and development.

E6.4.3.1.1.2. Program definition and risk reduction.

E6.4.3.1.1.3. Engineering and manufacturing development.

E6.4.3.1.1.4. Production, fielding and/or deployment, and operational support.

(STI is an integral part of every phase of the acquisition process. In its many forms (including technical papers, experimentation data in raw and analyzed form, engineering drawings, handbooks, manuals, and acquisition-related management data; etc.) STI sustains the accomplishment of the Department of Defense acquisition mission. With the significant investment in DoD acquisition, it is incumbent on the Department of Defense to promote the widest possible primary and secondary dissemination of STI to organizations that contribute to DoD mission objectives. In the case of secondary distribution, technical information dissemination activities enable the Department of Defense to recoup a portion of its technology investment by enabling the Department of Defense to leverage past technology investments. Additionally, technology developed in the concept exploration and development phase of acquisition becomes the technology baseline for numerous technology applications in the follow-on acquisition phases identified in paragraphs E6.4.3.1.1.2. through E6.4.3.1.1.4., above.)

E6.4.3.1.2. An objective of the DoD STI program is to promote the efficient, effective, and timely dissemination of STI. To accomplish that objective, it is anticipated that DoD information dissemination activities may determine that it is necessary to impose a system of charges to preclude the potential of excessive requests for STI by DoD users. At the same time, such a system of charges shall be so constructed as to meet DoD acquisition objectives stated in subparagraph E6.4.3.1.1.1., above, to leverage past technology investments and maximize their return to the Department of Defense. A proper balance between direct charges to users and indirect allocations of net additional costs to acquisition program elements must be determined and applied accordingly.

E6.4.3.1.3. Additionally, some technical information products and services are required to meet externally imposed requirements placed on the Department of Defense including Federal statutes, and/or Executive Orders. Those external requirements, while not self-imposed, are essential objectives.

E6.4.3.1.4. DoD technical information dissemination activities may establish service charges for information products and services. Such service charges shall be developed when there is a need to provide a means of PARTIAL reimbursement for products and services and, when necessary, to preclude excessive, unwarranted use of those products and services. At the same time, the overriding intent of the Department of Defense is to widely disseminate its technical information to leverage the utilization of DoD-funded technology to the maximum extent. Service charges shall

not be established at a level detrimental to the ability of the Department of Defense to leverage its technology base. DoD activities shall adequately budget and fund their technical information dissemination activities consistent with those principles.

E6.4.3.2. Principles. Before making a determination to impose user charges a number of factors must be considered. The following points all require analysis and rationale to support a system of user charges:

E6.4.3.2.1. Who are the users of the information?

E6.4.3.2.2. Who are the customers that have a vested interest in seeing that the information is available and used?

(There is often an important distinction between a customer and user. For example, the Department of Defense requires contractors to use technical information in performance of a contract. While the technical information is often obtained from a DoD technical information dissemination activity, the customer (the DoD sponsor of the contract effort) has obligated the Department of Defense to provide Government-furnished information to the user (the DoD contractor) for the performance of work. Another example is an in-house DoD activity that is required to search existing technical and related management information before the start of a new technical effort or before proceeding to the next milestone on a major program. The user in that instance is the activity that receives the information and evaluates its applicability to a new effort or the next major milestone. There are several customer(s) in that example. The organization proposing to expend DoD acquisition resources needs the information to define the technology baseline and develop the rationale for investing in new or continuing technology development. The organization(s) responsible to review and approve the expenditure of resources and to ascertain that the technical effort meets DoD acquisition requirements is also dependent on the information. Retention of the data for program audit purposes reflects a third customer need.)

E6.4.3.2.3. What is the most efficient method to resource an information product or service? And why?

E6.4.3.2.4. Does a method of cost recovery exist and how does it operate?

E6.4.3.2.5. Is a particular product or service mature enough to where the customers and users are clearly defined and use of the product and service can be supported by an established customer base? Development of new products and services is an investment decision and should be resourced accordingly.

E6.4.3.3. Practices. Periodically, DoD technical information dissemination activities should identify the cost associated with providing their products and services. Using that cost assessment, the DoD Components responsible for the operation and funding of DoD technical information dissemination activities should utilize the objectives and principles stated in paragraphs E6.4.3.1. and E6.4.3.2., above, as the basis to determine the best method(s) to resource the products and services of those activities. Those methods include the following:

E6.4.3.3.1. Direct mission funding of that information dissemination activity.

E6.4.3.3.2. Block funding by customers and/or users.

E6.4.3.3.3. Subscription funding for levels or combinations of products and services.

E6.4.3.3.4. Charge on demand to customers or users with payment from aggregate accounts or on a transaction basis.

E6.4.3.3.5. Charges against other acquisition program accounts as a support cost to those program elements.

E6.4.3.3.6. Combinations of the practices in paragraphs E6.4.3.3.1. through E6.4.3.3.5., above, such as individual demand prices for users adequate to discourage misuse with the remainder to be allocated in another manner.

E7. ENCLOSURE 7

DTIC

E7.1. MISSION

Consistent with ODDDR&E policy guidance and program oversight, DTIC shall do the following:

E7.1.1. Provide centralized operation of DoD services for the acquisition, storage, retrieval, and dissemination of STI to support DoD R&D, engineering, and studies programs.

E7.1.2. Provide centralized operation of databases, systems, or networks for the acquisition, storage, retrieval, and/or dissemination of information to support other DoD-related acquisition functions as approved by the *DUSD(S&T)*. Provide other DoD information support services as directed or approved by the *DUSD(S&T)*.

E7.1.3. Serve as a focus for specific actions required by the *DUSD(S&T)* to meet technical information needs of the STIP.

E7.1.4. Develop and provide specialized information system support approved or directed by *OSD* Principal Staff Assistants.

E7.1.5. Work directly with the ODDR&E to formulate objectives and programs for STI transfer among the Military Departments, Defense Agencies, and other U.S. Government Agencies.

E7.1.6. Participate with the OSD and Federal Agencies in formulating DoD and Federal policies on STI transfer.

E7.1.7. Function as a central activity in the Department of Defense for applying advanced techniques and technology to DoD STI systems and for developing improvements in services and STI transfer effectiveness in support of STIP objectives.

E7.1.8. Represent the Department of Defense at STI meetings, conferences, or symposia to support mission objectives.

E7.1.9. Provide liaison with other DoD and Government STI organizations (such as the Defense Logistics and Studies Information Exchange and the National Aeronautics and Space Administration).

E7.1.10. Provide planning, *programming*, budgeting, accounting, and reporting of resources necessary to meet mission requirements and present PPBS submissions to the OUSD(C) Comptroller through the *DUSD(S&T)* exercising staff oversight of DTIC.

E7.2. FUNCTIONS

The Administrator, DTIC, is responsible for providing or executing the following functions in support of the STIP.

E7.2.1. Centralized DoD Information Services. Those include all services for maintaining a repository of technical and related management documents resulting from or pertinent to DoD R&E and studies efforts, providing for their dissemination, and the following functions:

E7.2.1.1. Acquiring technical and related management documents including documents from outside the Department of Defense, domestic or foreign, which are of DoD interest but not readily available from other sources in support of the DoD R&E and studies efforts. Documents may take the form and format of any commonly accepted media for documentation and/or presentation of STI.

E7.2.1.2. Providing prompt and effective document awareness services and publications reflecting new acquisition in the document collection.

E7.2.1.3. Storing in reproducible form copies of acquired DoD-relevant technical and related management documents.

E7.2.1.4. Maintaining a system of document acquisition, storage, announcement, reproduction, and distribution methods, in accordance with DoD security policies, standards, criteria, and procedures for classified, limited distribution, export control and company proprietary information entrusted to the Department of Defense by agreement.

E7.2.1.5. Developing and maintaining a timely system of document acquisition, storage, reproduction and dissemination that promotes the maximum efficiency for activities providing documents to and receiving data and/or documents from DTIC such that the DoD-user community may make the most effective and efficient use of the technology in those documents.

E7.2.1.6. Providing timely response to requests from authorized users for technical reports and other document services consistent with DoD Directives 5230.24

and 5230.25, DoD 5200.1-R, and DoD 5220.22-R (references (k), (p), (g), and (u)) of this enclosure 7. Release of documents in response to requests under the "Freedom of Information Act" (5 U.S.C.552) shall be governed by DoD Directive 5400.7 (references (m) and (n)). DTIC shall not release any document not previously cleared for public release without the written approval of the controlling DoD activity, as defined by DoD Directive 5230.24 (reference (k)). Requests from foreign persons for classified reports or services shall be processed in compliance with DoD Directive 5230.11 (reference (w)).

E7.2.1.7. Ensuring the adequacy of and preparing necessary procedures, standards, and guidelines in applicable Volumes of DoD Scientific and Technical Information Program Procedures Manual for preparing, acquiring, storing, distributing, and gaining access to technical and/or management documents describing R&E efforts and the entry of bibliographic descriptions into DoD STI databases.

E7.2.2. Centralized DoD Database Services

E7.2.2.1. Those involve the application of information, computer, and telecommunications technology to provide authorized seekers of Defense STI convenient access to stored files of STI about managing and conducting R&E and studies programs. For such databases, the DTIC shall provide for the following:

E7.2.2.1.1. Database input systems and procedures to acquire and enter data into the databases, and provide technical support for remote input to the databases either on-line or in machine-readable form. Database input systems shall use existing DoD standard data elements when applicable.

E7.2.2.1.2. Database output systems and procedures to support the processes involved in formulating and executing on-line search and retrieval, formulating output of significant segments of the databases including search and retrieval tools and procedures utilizing applicable electronic media, and control of database output products.

E7.2.2.1.3. Response to demand requests received by mail, on-line, and telephone for database products (both individual products as well as downloading of significant segments of the databases) and processing of subscriptions for recurring database products.

E7.2.2.2. The DTIC shall establish and operate a centralized database of bibliographic citations of technical documents resulting from or about the DoD R&E and studies programs. That includes support to DTIC document services functions, such as the following:

E7.2.2.2.1. Document announcement, current awareness, selective dissemination of information products, or bibliographic searches.

E7.2.2.2.2. Bibliographic database support to include such items as shared cataloging and related services to technical libraries, support to DoD IACs, and support to other information processors that operate or provide support to DoD R&E programs.

E7.2.2.3. As resources and technology permit, DTIC shall establish and operate a centralized computer database of full-text technical documents resulting from and about the DoD R&E and studies programs. The database shall include, where possible, features to enable electronic input, text search, electronic output, file transfer capabilities; etc.

E7.2.2.4. The DTIC shall maintain and operate centralized databases of summary technical and management-related information describing the content and scope of R&E programs, consistent with or as required by other parts of this Instruction, DoD Instruction 3204.1, and DoD Directives 4205.2, 2002.3, and 8910.1 (references (x), (q), (v), and (y)), and when and as further defined by applicable Volumes of DoD Scientific and Technical Information Program Procedures Manual and other data specified or approved by the *DUSD(S&T)*, when needed for R&E program management.

E7.2.2.5. The DTIC shall provide for maintenance of a central referral database of the Department of Defense and relevant Federal STI activities and shall cooperate with the Federal Agencies in maintaining such referral services.

E7.2.2.6. The DTIC shall establish and maintain an index of the unique collections of DoD technical holdings in the DoD technical libraries and the unique collections and database that reside at DoD R&E activities. Additionally, on a voluntary basis DTIC may accept similar information from Defense industry and academic institutions that have unique collections of significant interest to the Defense R&E community.

E7.2.2.7. The DTIC shall provide the capability and capacity, as approved by the *DUSD(S&T)* to accommodate new or expanded STI databases and extended levels of database access, system interconnection, and the establishment of networks.

E7.2.2.8. The DTIC shall ensure the adequacy of and prepare DoD Regulations and guidelines describing responsibilities and procedures for input to, maintenance of, access to, and retrieval from DoD STI databases.

E7.2.2.9. The DTIC shall provide OSD functional managers with data and document services needed to support their programs in R&E and studies areas.

E7.2.3. Related STI Support Services. The DTIC shall do the following:

E7.2.3.1. Develop and apply techniques to assess STI needs, usage, and trends with a view to proposing new STI products, services or programs.

E7.2.3.2. Develop and operate promotional and training programs to increase the awareness and use of STI policy, procedures, tools, products, and services among R&E managers, scientists, engineers, and that of the information practitioners that support them throughout the current and potential DTIC user community with a view increasing their efficiency.

E7.2.3.3. Provide a central DoD authority and establish a central directory for the data elements and processes used to record, gain access to, and exchange STI or documents and prepare DoD procedures with specific criteria and guidance for the content and format of data elements required by those STI databases, and register data elements with the Defense Information Systems Agency. The DTIC shall exercise that authority in cooperation and coordination with the DoD Components and shall ensure compatibility where practical with the STI practices of other Federal Agencies.

E7.2.3.4. Explore and acquire techniques and arrangements for access to STI databases, on-line services, or networks on the conduct or management of R&E programs. Those may include data, databases, or systems from other Federal, commercial, or foreign sources that may not otherwise be readily accessible to DTIC users, if the DTIC does not unnecessarily or unfairly compete with or detract from services available from the private sector.

E7.2.3.5. Represent the Department of Defense in efforts of Federal and professional STI activities involving the compatibility or standardization of STI data and processes about improved information transfer.

E7.2.3.6. As directed by the *DUSD(S&T)*, provide such centralized services as acquisition, evaluation, or implementation of common STI resources, systems, or devices and act as focal point in such endeavors as arranging or instituting new STI programs, procedures, or exchange agreements.

E7.2.3.7. Operate and maintain procedures where U.S. Government Departments and Agencies and their contractors, subcontractors, grantees, and DoD potential contractors may become certified and registered for access to controlled STI available from DoD information dissemination activities, in accordance with DoD 5200.1-R and DoD Directive 5230.25 (references (g) and (p)), and enclosure 6 of this Instruction.

E7.2.3.8. As directed by *DUSD(S&T)*, act as the DoD Executive Agent for the preparation and publication of newsletters, journals (juried and unjuried), reports; etc., to support the dissemination of defense-related STI.

E7.2.4. DoD Component Headquarters Information Support. The DTIC shall provide information *services, which* utilize the appropriate information technologies to acquire, analyze and disseminate information to support oversight and management functions and to improve overall Department of Defense management. To accomplish these tasks, the DTIC shall provide support in the following areas:

E7.2.4.1. Analyze and define information gathering, analysis and dissemination requirements as requested by DoD Component Headquarters.

E7.2.4.2. Investigate and evaluate new technologies and apply them to the requirements to meet information gathering, analysis and dissemination requirements of supported organizations, including utilization of the Internet/World Wide Web or similar technologies.

E7.2.4.3. Conduct liaison with DoD Component Headquarters to assure continued support for information gathering, analysis and dissemination.

E7.2.4.4. Maintain the DoD implementation of the Government Information Locator Service (GILS) in accordance with Office of Management and Budget Number 95-01 (reference (z)).

E7.2.5. Investigation, Experimentation, and Application of Advanced Information Science and Technology. The DTIC shall identify, develop, and carry out programs to perform and monitor experimentation and study for increasing its internal effectiveness and productivity and for ensuring that the overall STIP is served by innovative and effective information systems that take advantage of new advances in information science and technology. It shall perform studies and experimentation to improve the processes involved in acquiring, using, storing, retrieving, disseminating, and generating STI. In doing so, it shall seek effective ways to employ modern information storage, retrieval, and transmission technology and devices by acquiring and testing the

application of existing and promising computer, telecommunications, storage, and transmission devices and concepts. DTIC shall coordinate its program with other DoD activities engaged in RDT&E involving information science, telecommunications, and other enabling technologies that help the effective conduct of the DoD STIP.

E7.2.6. DoD Technical Library Support. The DTIC shall provide a focus for developing and coordinating programs among, and providing centralized technical support to, DoD technical libraries. To help improve their effectiveness and capabilities, the DTIC shall provide assistance in the following areas:

E7.2.6.1. Analyze and explore applications of automation to library operations and other services.

E7.2.6.2. Promote cooperative efforts among libraries including the establishment of networks and resource sharing.

E7.2.6.3. Facilitate the integration of technical libraries, IACs, the DTIC, and other components of the STIP in a coordinated STI network.

E7.2.7. DoD IAC Support. The DTIC shall:

E7.2.7.1. Provide necessary support and services for improved coordination, planning, and integration of DoD-funded IACs. The DTIC shall establish and support a comprehensive program in the IAC function of the STIP to improve the visibility, effectiveness, and use of the IACs in support of DoD and Federal scientific and technical programs.

E7.2.7.2. When functioning as the "DoD Component sponsor," provide oversight through the contracting officer for designated "contractor-operated DoD IACs."

E7.2.7.3. Develop and provide systems and services to assist or supplement IAC operations or programs to effect and promote resource sharing, joint approaches to common objectives and problems, and information exchange among the IACs, DTIC, and other components of the STIP.

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Department of Defense DIRECTIVE

May 10, 1999
NUMBER 3204.1

DDR&E

SUBJECT: Independent Research and Development (IR&D) and Bid and Proposal (B&P) Program

References: (a) DoD Instruction 3204.1, "Independent Research and Development," December 1, 1983 (hereby canceled)
(b) Section 2372 and 2506 of title 10, United States Code
(c) Federal Acquisition Regulation (FAR), Subpart 3 1,205-1 8, "Independent Research and Development and Bid and Proposal Costs," February 9, 1998
(d) Defense FAR Supplement, Subpart 231.205-18 "Independent Research and Development and Bid and Proposal Costs," February 23, 1999; and Subpart 242.771, "Independent Research and Development/Bid and Proposal," February 23, 1999

1. Purpose

This Directive:

1.1 Supersedes reference (a).

1.2 Establishes policy and assigns responsibilities under reference (h) for both the technical and business aspects of IR&D and B&P activities.

1.3. Establishes the 'Technical Coordination Group (TCG) that the Director, Defense Research and Engineering (DDR&E), under the Office of the Under Secretary of Defense for Acquisition and Technology, shall have cognizance over to provide both oversight of the IR&D Program and effective communications between industry and the Department of Defense and which shall do the following:

1.3.1. Provide industry the information they need to effectively implement their IR&D programs while maintaining their independence to conduct research and development (R&D) activities

1.3.2. Effectively use IR&D data obtained from industry by the Department of Defense

1.3.3. Ensure that membership in the TCG shall be from the DDR&E and from each Military Department.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, and the Defense Agencies (hereafter referred to collectively as "the DoD Components").

3. DEFINITIONS

3.1. Bid and Proposal (B&P) Activities. Effort in preparing, submitting, and supporting Bs&Ps (whether or not solicited) on potential contracts.

3.2. Independent Research and Development (IR&D). R&D effort that is neither sponsored by a grant, nor required in performing a contract, and which falls under any of the following four areas:

3.2.1. Applied research.

3.2.2. Basic research.

3.2.3. Development.

3.2.4. Systems and other concept formulation studies.

4. POLICY

It is DoD policy that:

4.1. Under Section 2372 of 10 U.S.C. (reference (b)), contractors shall be encouraged to undertake IR&D activities that may further national security in a broad sense, may lead to a superior military capability, or may lower the cost and time required for providing that capability. IR&D activities intended to accomplish any of the following are of potential interest to the Department of Defense:

4.1.1. Enable superior performance of future U.S. weapon systems and their components.

4.1.2. Reduce acquisition costs and life-cycle costs of military systems.

4.1.3. Strengthen the defense industrial base and the technology base of the United States.

4.1.4. Enhance the industrial competitiveness of the United States.

4.1.5. Promote the development of technologies identified as critical under Section 2506 of 10 U.S.C. (reference (b)).

4.1.6. Increase development and promotion of efficient and effective applications of dual-use technologies.

4.1.7. Provide efficient and effective technologies for achieving such environmental benefits as improved environmental data gathering, environmental cleanup and restoration, pollution reduction in manufacturing, environmental conservation, and environmentally safe management of facilities.

4.2. The costs incurred by DoD contractors for IR&D and B&P activities are recognized by the Department of Defense as necessary costs of doing business, particularly in a high-technology environment. IR&D and B&P costs incurred in performing activities of potential DoD interest shall be reimbursable as "indirect expenses" on covered contracts to the extent that they are allocable, reasonable, and not otherwise unallowable by law under Subpart 31.205-18 of the FAR and Subparts 231.205-18 and 242.771 of the DFARS (references (c) and (d)). The Department of Defense seeks, through financial support of contractor IR&D and B&P programs, to do the following:

4.2.1. Create an environment that encourages DoD contractors to expand knowledge in mathematics and science, improve technology in areas of interest to the Department of Defense, and enrich and broaden the spectrum of technology available to the Department of Defense.

4.2.2. Create conditions that allow DoD contractors the freedom to determine the focus of their IR&D programs and especially the freedom to exploit fruitful avenues of research that, in their judgments, may provide the greatest benefits.

4.2.3. Broaden and strengthen the industrial base for the benefit of the U.S. economy and defense, to provide incentives for future defense-oriented R&D, and to improve the responsiveness of industrial capabilities essential to defense needs.

4.2.4. Encourage the commercialization of dual-use technologies to ensure the efficient and effective availability of those technologies for application to future military systems and for the economic benefit of the United States.

4.3. The Department of Defense shall seek to enhance the efficiency and productivity of DoD R&D, and DoD contract R&D, by considering the work and accomplishments of contractor IR&D programs when planning, programing and budgeting for DoD R&D.

4.4. The Department of Defense shall enhance its knowledge of contractor IR&D by reviewing summary reports of contractor IR&D efforts. Information from industry includes research goals, progress, results, and actual and planned expenditures for projects conducted as IR&D.

4.5. The Department of Defense shall enhance the efficiency and productivity of contractor IR&D and B&P activities by providing to contractors available information useful to their planning and research in bounds set by security, intellectual property rights, fairness in competition, and good business practice. Information to be provided includes the R&D plans, descriptions of both in-house and funded research, mission needs, and operational requirements. The Department of Defense shall establish effective means to communicate with industry on R&D needs and activities. Information shall be made available through hard copy distribution and, increasingly, through the use of public, and controlled access, World Wide Web sites.

4.6. Coordination of the technological aspects of the IR&D Program in the Department of Defense and with contractors is achieved by the DoD Components through the following:

4.6.1. Information exchange activities.

4.6.2. Technical Interchange Meetings initiated by either DoD activities or contractors.

4.6.3. Other voluntary technical discussions or exchanges of information between the scientific, engineering, and operational personnel of the Department of Defense and the contractors.

5. RESPONSIBILITIES

5.1. The Director of Defense Research and Engineering, under the Under Secretary of Defense for Acquisition and Technology, shall:

5.1.1. Issue policy and guidance for all DoD activities on the technological aspects of IR&D and B&P.

5.1.2. Encourage the communication of contractor IR&D activities and results to the Department of Defense.

5.1.3. Ensure the communication of DoD needs, interests, and priorities to contractors.

5.1.4. Coordinate with the Director of Defense Procurement, on any IR&D and B&P matters affecting the procurement or business aspects of the IR&D and B&P Program.

5.1.5. Establish and appoint the Chair of, and oversee the activities of, the TCG that shall:

5.1.5.1. Establish policy and implement and oversee activities necessary to achieve the objectives of DoD IR&D policy.

5.1.5.2. Provide policy authority for developing and implementing the IR&D Program to achieve the objectives of DoD policy.

5.1.5.3. Provide policy authority for providing DoD technical and programmatic information to contractors they need to effectively implement their IR&D program.

5.1.5.4. Support the Defense Technical Information Center (DTIC) in establishing guidelines for requesting technical information from DoD contractors on their IR&D programs.

5.1.5.5. Provide oversight of the DTIC IR&D database.

5.1.5.6. Provide assistance, as requested, to cognizant administrative contracting officers to determine the potential interest to the Department of Defense of IR&D and B&P projects.

5.1.5.7. Represent the Department of Defense on issues about IR&D with other Federal Agencies, industry, and other non-Government bodies.

5.1.5.8. Ensure full consideration for the views of industry and the Military Departments on the IR&D Program.

5.2. The Under Secretary of Defense for Acquisition and Technology shall ensure that the Director of Defense Procurement shall:

5.2.1. Provide policy, guidance, and oversight for all DoD activities on the procurement and business aspects of IR&D and B&P.

5.2.2. Represent the OSD with industry and others on all policy issues about procurement and business aspects of IR&D and B&P.

5.2.3. Coordinate with the DDR&E on any IR&D and B&P matters affecting the technological aspects of the IR&D and B&P Program.

5.3. The Secretaries of the Military Departments shall:

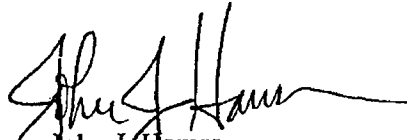
5.3.1. Support technical interaction with contractors, explaining Government interests and needs, developing an understanding of the achievements of contractor IR&D, and participating in Government and industry conferences in support of the IR&D Program.

5.3.2. Designate a senior science and technology manager who shall serve as the representative for the Military Department on the TCG and who shall coordinate all Military Department activities for the technological aspects of IR&D and B&P.

5.4. The Heads of the DoD Components shall ensure that their staffs who plan and introduce new in-house and contract R&D projects search the IR&D database to determine whether the proposed work duplicates substantial contractor IR&D efforts.

6. EFFECTIVE DATE

This Directive is effective immediately.



John J. Hamre
Deputy Secretary of Defense

Tab 5

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Department of Defense DIRECTIVE

NUMBER 4205.2

February 10, 1992

USD(A)

SUBJECT: Acquiring and Managing Contracted Advisory and Assistance Services
(CAAS)

- References:
- (a) DoD Directive 4205.2, "DoD Contracted Advisory and Assistance Services (CAAS)," January 27, 1986 (hereby canceled)
 - (b) Office of Management and Budget (OMB) Circular No. A-120, "Guidelines for the Use of Advisory and Assistance Services," January 4, 1988
 - (c) Federal Personnel Manual, current edition
 - (d) DoD Directive 5105.4, "Department of Defense Federal Advisory Committee Management Program," September 5, 1989
 - (e) through (n), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

- 1.1. Reissues reference (a).
- 1.2. Implements reference (b).
- 1.3. Updates policy, responsibilities, and procedures for a disciplined approach to the management, acquisition, and use of CAAS resources to meet DoD requirements.

2. APPLICABILITY AND SCOPE

This Directive:

- 2.1. Applies to the Office of the Secretary of Defense, the Military Departments,

the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

2.2. Applies to advisory and assistance services acquired directly by contract from non-governmental sources to support or improve organization policy development, decision-making, management and administration, program and/or project management and administration, or to improve the effectiveness of management processes or procedures. Such services may take the form of information, advice, opinions, alternatives, analyses, evaluations, recommendations, training, and technical support. Examples (not to be interpreted as an exhaustive list) of the kinds of advisory and assistance services covered include:

2.2.1. Obtaining specialized opinions and professional and technical advice or assistance not available within the Department of Defense or another Government Agency.

2.2.2. Obtaining outside points of view to enhance understanding or develop alternative positions and/or solutions to various issues or problem areas.

2.2.3. Obtaining reviews, analyses, appraisals, or summaries of information on subjects of highly specialized areas of concern.

2.2.4. Obtaining improved program and/or project management of DoD systems or programs through advice; assistance or training to include program monitoring; resource management, planning, and programming; and milestone and schedule tracking.

2.2.5. Supporting or improving the management and/or administration of DoD organizations.

2.2.6. Providing advice for the efficient and/or effective operation of fielded weapons, weapon support and communication systems, equipment, or components.

2.2.7. Assisting in the introduction and transfer of engineering and technical knowledge for fielded systems, equipment, and components; for example, contracted technical representatives providing information, instruction, or hands-on training associated with the operation of such systems.

2.3. Does not apply to advisory and assistance services obtained by personnel

appointments under FPM (reference (c)) procedures or from chartered Federal advisory committees (DoD Directive 5105.4 (reference (d))).

2.4. Does not apply to:

2.4.1. The National Foreign Intelligence Program.

2.4.2. The General Defense Intelligence Program.

2.4.3. Tactical Intelligence and Related Activities.

2.4.4. Programs managed by the Director, National Security Agency/Central Security Service.

3. DEFINITIONS

Terms used in the Directive are defined in enclosure 2.

4. POLICY

It is DoD policy that:

4.1. The acquisition of the CAAS is a legitimate way to support DoD services and operations. Accordingly, the CAAS may be used at all organizational levels to help managers achieve maximum effectiveness or economy to meet mission requirements.

4.2. The CAAS shall not be:

4.2.1. Used to perform inherently governmental functions. (See definition E2.1.9. of enclosure 2.)

4.2.2. Used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures.

4.2.3. Awarded on a preferential basis to former Government employees.

4.2.4. Used under any circumstances specifically to aid in influencing or enacting legislation.

4.2.5. Procured through grants or cooperative agreements.

4.3. The following guidelines should be used to determine when the CAAS is an appropriate resource:

4.3.1. When suitable in-house capability is unavailable or cannot be obtained in time to meet the needs of the DoD Component, or it is not cost-effective to establish an in-house capability (for example, because the special or unique skills or expertise are not required full-time).

4.3.2. When the requirement is anticipated to be of a short-term, temporary period of time. If the requirement is for a long or continuing period, an analysis should be performed to determine if in-house or contracting out is the most efficient means of performance.

4.4. The DoD Component must retain the technical capability to prescribe, monitor, and evaluate the work of the contractor.

4.5. The work to be done must be specific enough so that a contract can be written describing the services required in clear and unambiguous terms.

4.6. The requirements of the FAR and DFARS (references (e) and (f)) shall be met in the solicitation, award, and administration of all CAAS. Requirements for the CAAS shall be identified as far in advance as possible to permit competition to the maximum practical extent.

4.7. Contracts for the CAAS may not be continued for longer than 5 years without review by the DoD Component CAAS Director, or designee, for compliance with this Directive.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense (Acquisition) shall ensure compliance with this Directive and shall designate and oversee the activities of a DoD CAAS Director to:

5.1.1. Provide, in coordination with the appropriate DoD functional areas, general policy guidance for the identification, acquisition, management, and use of CAAS resources.

5.1.2. Review any DoD Components' implementing instructions before publication to ensure compliance with this Directive.

5.1.3. In coordination with the Comptroller of the Department of Defense (C, DoD), ensure that adequate and consistent procedures are implemented within the DoD Components to identify planned and actual obligations for the CAAS.

5.1.4. Promote DoD Component cooperation and coordination of CAAS-related policy and procedures among DoD functional areas and the DoD Component Directors of CAAS.

5.1.5. Serve as DoD focal point on all matters related to CAAS involving other Federal Agencies, except on matters about clearance of research and studies with foreign affairs implications (DoD Directive 2002.3, reference (g)).

5.1.6. Provide an annual assessment to the Under Secretary of Defense (Acquisition) on DoD Component implementation of CAAS policy for the identification, acquisition, and management of CAAS resources.

5.2. The Comptroller of the Department of Defense shall provide budget and accounting guidance for reporting CAAS, coordinated with the DoD CAAS Director, to ensure compliance with this Directive.

5.3. The Assistant Secretary of Defense (Force Management and Personnel) shall provide manpower policy and guidance to assist in determining when procurement of CAAS is appropriate to perform necessary DoD requirements.

5.4. The Head of each DoD Component shall designate and oversee the activities of a DoD Component Director for CAAS, who shall be at the flag or general officer or Senior Executive Service (SES) level, to ensure:

5.4.1. The DoD Component's overall CAAS process, procedures, and practices for the identification, acquisition, and management of CAAS resources comply with this Directive and other applicable policy guidelines.

5.4.2. Adequate controls are established at the appropriate level of accountability so that CAAS resources are used for the purposes identified in the CAAS operating plan. When changes to the operating plan occur, adhere to procedures established by the DoD Component for review, approval, and reporting.

5.4.3. CAAS operating plans are periodically reviewed at an appropriate organizational level to identify opportunities for savings through consolidation of similar requirements.

5.4.4. That compliance with DoD Directive 5010.38 (reference (h)) covers CAAS through internal management control assessable units.

5.4.5. Implementation of DoD Component CAAS training for the identification, acquisition, management, and use of CAAS.

5.4.6. The CAAS contract action is properly evaluated at its conclusion or when otherwise deemed appropriate (e.g., prior to renewal of an option, completion of a separate task or service, etc.) to assess its utility to the organization and the performance of the contractor.

5.4.7. Accurate and timely reporting of appropriate CAAS contract actions and outputs (especially studies) to the Defense Technical Information Center (DTIC) (DoD Directive 3200.12, reference (i)), and other relevant data repositories.

6. PROCEDURES

6.1. Identifying and Reporting CAAS

6.1.1. The activity having the requirement for contractor support has the primary responsibility for the identification and reporting of CAAS.

6.1.2. The requiring activity shall identify its CAAS requirements to the organization and/or functional area responsible for compiling the annual CAAS budget exhibit.

6.1.3. The functional area and/or organization compiling the DoD Component's annual CAAS budget exhibit shall ensure that it is accurate, complete, and coordinated with the DoD Component's CAAS Director.

6.1.4. When interdepartmental transfers of funds, such as a Military Interdepartmental Purchase Request or Inter-Agency Cost Reimbursable Order are used to procure CAAS, the organization issuing the funds, rather than the organization receiving the funds, shall ensure the funds are properly reported in the DoD accounting system and CAAS budget exhibit.

6.1.5. In the instance where the requiring activity provides funding to another activity and may not have knowledge whether a specific requirement will be accomplished in-house or by contract, the organization placing the requirement is responsible for notifying the organization requesting the service whether the requirement was performed with in-house or contractor support to ensure accurate recording of obligation and expenditure information into the accounting system and CAAS budget exhibit.

6.1.6. Each proposed contract action shall be evaluated separately to determine if the services required meet the CAAS definition.

6.1.7. The DoD Component CAAS Director, during disagreement as to whether a specific contract action constitutes CAAS, shall make the final determination. This determination may be delegated.

6.2. CAAS Operating Plans

6.2.1. All DoD Components shall maintain CAAS operating plans. Operating plans shall be maintained at the appropriate organizational level as determined by the DoD Component CAAS Director.

6.2.2. CAAS operating plans shall be kept current at all times.

6.2.3. Details of the content and format of CAAS operating plans shall be determined by the DoD Component CAAS Director, but shall include as a minimum the following information for each ongoing and projected CAAS requirement:

6.2.3.1. Description of the requirement.

6.2.3.2. Justification of the need.

6.2.3.3. Estimated cost.

6.2.3.4. Explanation of why contractual services are needed to satisfy the requirements.

6.3. Procurement and Contract Administration. The project office and/or officer, contracting officer's technical representative, and the contracting officer must all be involved in ensuring a successful procurement. The responsibilities and duties shift from one to another throughout this part of the overall process. The following guidelines apply:

6.3.1. CAAS should be procured through a separate contract action, if possible. When CAAS is a portion of a contract action, it shall be a separately identified contract line item number and separately priced.

6.3.2. Each purchase request package for CAAS, including task orders, shall include the following information:

6.3.2.1. The type of CAAS being procured as defined by the CAAS reporting categories defined in enclosure 2. (The appropriate category shall be designated by the requiring activity to ensure proper accounting and/or object classification.)

6.3.2.2. A statement of work describing in as clear and unambiguous terms as possible the work to be performed, the deliverable(s), and a specified period of performance.

6.3.2.3. Certification by the requiring activity that such services have been reviewed for the most cost-effective or efficient means of accomplishment. If the requirement is being met with CAAS resources but is considered long-term and could be more cost-effective done by in-house resources, a statement citing action being taken to hire additional resources or an explanation of why contracting out is necessary shall be included.

6.3.2.4. Procurement requests for studies must contain a statement that the DTIC and other applicable information sources have been queried and that no known existing scientific, technical, or management report could fulfill the requirement.

6.3.2.5. Estimated cost and level of effort expressed in staff-years, staff-months, or staff-hours.

6.3.2.6. Proposed evaluation and selection criteria for competitive awards.

6.3.2.7. Surveillance plans specifying how contractor performance, performance standards, and deduction schedules, as required, shall be assessed.

6.3.2.8. Properly chargeable funds certified by the cognizant fiscal and/or budget office.

6.3.3. All CAAS procurement requests shall, as a minimum, be approved by

an official at a level above the requiring activity. Additionally, approval for all CAAS procurement requests initiated during the fourth quarter of the fiscal year, for award during the same fiscal year, shall be by an official at a second level or higher, above the requiring activity.

6.3.4. For proposed contract actions estimated at \$50,000 or more, the approval authority may not be delegated below:

6.3.4.1. An SES manager.

6.3.4.2. A general or flag officer.

6.3.4.3. An officer in the grade of O-6 filling a general or flag officer position.

6.3.4.4. An officer in the grade of O-6 who has subordinate SES personnel.

6.3.5. All CAAS obligations shall be recorded in the accounting system of each DoD Component in accordance with DoD 7220.9-M (reference (j)).

6.3.6. A file shall be maintained by the requiring activity to include a copy of the approved procurement request and appropriate supporting documentation, listing, or summary of contract items delivered, and documentation of Government acceptance.

7. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effectively immediately. Forward one copy of implementing documents to the Under Secretary of Defense (Acquisition) within 120 days.



Donald J. Atwood
Deputy Secretary of Defense

Enclosures - 3

- E1. References, continued
- E2. Definitions
- E3. CAAS Exemptions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Federal Acquisition Regulation (FAR), current edition
- (f) Defense Federal Acquisition Regulation (DFAR), current edition
- (g) DoD Directive 2002.3, "Clearance of Research and Studies with Foreign Affairs Implications," August 15, 1985
- (h) DoD Directive 5010.38, "Internal Management Control Program," April 14, 1987
- (i) DoD Directive 3200.12, "DoD Scientific and Technical Information Program," February 15, 1983
- (j) DoD 7220.9-M, "Department of Defense Accounting Manual," October 1983, authorized by DoD Instruction 7220.9, October 22, 1981
- (k) DoD 71 10.1-M, "Department of Defense Budget Guidance Manual," May 1990, authorized by DoD Instruction 7110.1, October 30, 1980
- (l) Office of Management and Budget (OMB) Circular A-76, "Performance of Commercial Activities," August 4, 1983
- (m) Federal Information Resources Management Regulation (FIRMR) (Title 41, Code of Federal Regulations, Part 201)
- (n) Section 2315 of title 10, United States Code

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. CAAS Accounting Procedures. DoD accounting procedures to record and report CAAS obligations and expenditures. DoD 7220.9-M (reference (j)) contains specific guidance to be followed by each DoD Component when recording and reporting CAAS obligations, expenditures, and transactions.

E2.1.2. CAAS Budget Exhibit. The source document from which total CAAS expenditures and estimates are derived and reported by the Department of Defense to the Office of Management and Budget (OMB) and the Congress. DoD 7110.1-M (reference (k)) contains specific instructions for completing the annual CAAS budget exhibit.

E2.1.3. CAAS Exemptions. Specific kinds of services or activities exempted from the purview of this Directive. (Enclosure 3 contains CAAS exemptions.)

E2.1.4. CAAS Operating Plan. The document maintained at the requiring activity or a level of organization specified by the DoD Component CAAS Director that identifies projected and ongoing CAAS actions for a specified fiscal year.

E2.1.5. CAAS Reporting Categories. Categories that group advisory and assistance services for reporting CAAS contract actions in the annual CAAS budget exhibit and in the DoD accounting system. CAAS reporting categories are:

E2.1.5.1. Studies Analyses and Evaluations. These services are organized, analytic assessments to understand and/or evaluate complex issues to improve policy development, decision-making, management, or administration. These efforts result in documents containing data or leading to conclusions and/or recommendations. Databases, models, methodologies, and related software created in support of a study, analysis, or evaluation are to be considered part of the overall effort.

E2.1.5.2. Management and Professional Support Services. These services provide engineering or technical support, assistance, advice, or training for the efficient and effective management and operation of DoD organizations, activities, or systems. They are normally closely related to the basic responsibilities and mission of the using organization. This category includes efforts that support or contribute to improved organization or program management, logistics management, project monitoring and reporting, data collection, budgeting, accounting, auditing, and administrative and/or

technical support for conferences and training programs.

E2.1.5.3. Engineering and Technical Services. These services (for example, technical representatives) take the form of advice, assistance, training, or hands-on training (that is, direct assistance) necessary to maintain and operate fielded weapon systems, equipment, and components (including software when applicable) at design or required levels of effectiveness. Engineering and technical services consist of:

E2.1.5.3.1. Contract field services, which are engineering and technical services provided on-site at DoD Defense locations by the trained and qualified engineers and technicians of commercial or industrial companies.

E2.1.5.3.2. Contract plant services, which are engineering and technical services provided by the trained and qualified engineers and technicians of a manufacturer of military equipment or components in the manufacturer's own plants and facilities.

E2.1.5.3.3. Field service representatives, which are employees of a manufacturer of military equipment or components who provide a liaison or advisory service between their company and the military users of their company's equipment or components.

E2.1.6. Contracted Advisory and Assistance Services (CAAS). Those services acquired by contract from nongovernmental sources to support or improve organization policy development, decision-making, management and administration, program and/or project management and administration, or to improve the effectiveness of management processes or procedures.

E2.1.7. Contracted Services. Services that directly engage the time and effort of a contractor to perform an identifiable task rather than furnish an end item of supply. Includes separately identified services delivered under a contract when the primary purpose is to provide supplies, equipment, or hardware.

E2.1.8. Contracting Action. Any written action obligating or de-obligating funds for procuring services to meet DoD requirements, to include definitive contracts, purchase orders, job orders, task orders, delivery orders, other orders against existing contracts, and contract modifications, change orders or agreements, supplemental agreements, funding changes, option exercises, and notices of termination or cancellation.

E2.1.9. Inherently Governmental Functions. This has the same meaning as

Governmental functions in Section 6.e. of OMB Circular A-76 (reference (1)). That section provides as follows: A Governmental function is a function that is so intimately related to the public interest as to mandate performance by Government employees. These functions include those activities that require either the exercise of discretion in applying Government authority or the use of value judgements in making decisions for the Government. Government functions normally fall into two categories:

E2.1.9.1. The act of governing; that is, the discretionary exercise of Government authority. Examples include criminal investigations, prosecutions, and other judicial functions; management of Government programs requiring value judgements, as in direction of the national defense; management and direction of the Armed Services; activities performed exclusively by military personnel who are subject to deployment in a combat, combat support, or combat service role; conduct of foreign relations; selection of program priorities; direction of Federal employees; regulation of the use of space, oceans, navigable rivers, and other natural resources; direction of intelligence and counter-intelligence operations; and regulation of industry and commerce, including food and drugs.

E2.1.9.2. Monetary transactions and entitlements, such as tax collection and revenue disbursements; control of treasury accounts and money supply; and the administration of public trusts. An inherently governmental function involves the determination of policy and the direction and control of Federal employees or, in some cases, of activities and property of private citizens. Such functions do not normally include functions that are primarily ministerial and internal in nature, such as building security; mail operations; operation of libraries and cafeterias; housekeeping; and the maintenance of the physical plant, vehicles, or other electrical or mechanical equipment. Inherently governmental functions do not encompass functions considered "commercial," as defined in OMB Circular No. A-76 (reference (1)).

E2.1.10. Requiring Activity. The organization that identified the requirement for CAAS.

E3. ENCLOSURE 3

CAAS Exemptions

E3.1.1.1 CAAS Exemptions. The following kinds of services or activities are exempted from the purview of this Directive:

E3.1.1.1.1. Activities that are reviewed and/or acquired in accordance with the OMB Circular A-76 (reference (l)) program.

E3.1.1.1.2. Architectural and engineering services for construction and construction management services procured in accordance with the FAR, Part 36 (reference (e)). Work not related to construction as defined by Part 36 of reference (e), and that meets the CAAS definition under existing architectural and engineering contracts, shall come under the purview of this Directive.

E3.1.1.1.3. Day-to-day operation of facilities (for example, the Arnold Engineering Development Center and related facilities) and housekeeping services and functions (for example, building and grounds maintenance, and physical security).

E3.1.1.1.4. Routine maintenance of systems, equipment, and software; routine administrative services; printing services; and direct advertising (media) services.

E3.1.1.1.5. Initial training services acquired as an integral part of the procurement of weapon systems, automated data processing systems, equipment or components, and training obtained for individual professional development.

E3.1.1.1.6. Basic operation and management contracts for Government-owned, contractor-operated facilities (GOCOs); for example, the Holston Army Ammunition Plant in Kingsport, TN. Any contract action meeting the CAAS definition in item E2.1.5.2. of enclosure 2, and procured under the GOCO basic contract, shall come under the purview of this Directive.

E3.1.1.1.7. Clinical and medical services for direct healthcare.

E3.1.1.1.8. ADP and/or telecommunication functions and related services controlled in accordance with the FIRMR (reference (m)) and reported in Budget Exhibit 43a, "Report on Information Technology Systems" (DoD 7110.1-M (reference (k))).

E3.1.1.1.9. ADP and/or telecommunications functions and related services exempted from FIRMR control pursuant to Section 2315 of title 10 United States Code and reported in Budget Exhibit 43a, "Report on Information Technology Systems," of DoD 7110.1-M (references (n) and (k)).

E3.1.1.1.10. Services supporting the policy development, management, and administration of the Foreign Military Sales Program that are not paid for with funds appropriated by the U.S. Congress. (Includes CAAS funded with appropriated funds and reimbursed by the foreign customer.)

E3.1.1.1.11. Services (for example, systems engineering and technical services) acquired by or for a program office to increase the design performance capabilities of existing or new systems or where they are integral to the logistics support and maintenance of a system or major component and/or end item of equipment essential to the operation of the system before final Government acceptance of a complete hardware system. Care must be exercised to avoid exempting services acquired to advise and assist the program office and/or manager for program and/or contractor oversight and administration processes, resource management, planning and programming, milestone and schedule tracking, or other professional or administrative services necessary in performing its mission.

E3.1.1.1.12. Research on theoretical mathematics and basic medical, biological, physical, social, psychological, or other phenomena.

E3.1.1.1.13. Auctioneers, realty-brokers, appraisers, and surveyors.

E3.1.1.1.14. Services procured with funds from the Defense Environmental Restoration Account.

Tab 6

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Title 3

EXECUTIVE ORDER 12958

60 Fed. Reg. 19825

April 17, 1995

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PREAMBLE

This order prescribes a uniform system for classifying, safeguarding, and declassifying national security information. Our democratic principles require that the American people be informed of the activities of their Government. Also, our Nation's progress depends on the free flow of information. Nevertheless, throughout our history, the national interest has required that certain information be maintained in confidence in order to protect our citizens, our democratic institutions, and our participation within the community of nations. Protecting information critical to our Nation's security remains a priority. In recent years, however, dramatic changes have altered, although not eliminated, the national security threats that we confront. These changes provide a greater opportunity to emphasize our commitment to open Government.

NOW, therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Part 1 - Original Classification

Sec. 1.1 *Definitions.* For purposes of this order:

- (a) "National security" means the national defense or foreign relations of the United States.
- (b) "Information" means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of the United States Government. "Control" means the authority of the agency that originates information, or its successor in function, to regulate access to the information.
- (c) "Classified national security information" (hereafter "classified information") means information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.
- (d) "Foreign Government Information" means:
 - (1) information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence;
 - (2) information produced by the United States pursuant to or as a result of a joint arrangement with a foreign government or governments, or an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or

- (3) information received and treated as "Foreign Government Information" under the terms of a predecessor order.
- (e) "Classification" means the act or process by which information is determined to be classified information.
- (f) "Original classification" means an initial determination that information requires, in the interest of national security, protection against unauthorized disclosure.
- (g) "Original classification authority" means an individual authorized in writing, either by the President, or by agency heads or other officials designated by the President, to classify information in the first instance.
- (h) "Unauthorized disclosure" means a communication or physical transfer of classified information to an unauthorized recipient.
- (i) "Agency" means any "Executive agency," as defined in 5 U.S.C. 105, and any other entity within the executive branch that comes into the possession of classified information.
- (j) "Senior agency official" means the official designated by the agency head under section 5.6(c) of this order to direct and administer the agency's program under which information is classified, safeguarded and declassified.
- (k) "Confidential source" means any individual or organization that has provided, or that may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the expectation that the information or relationship, or both, are to be held in confidence.
- (l) "Damage to the national security" means harm to the national defense or foreign relations of the United States from the unauthorized disclosure of information, to include the sensitivity, value, and utility of that information.

Sec. 1.2 *Classification Standards.*

- (a) Information may be originally classified under the terms of this order only if all of the following conditions are met:
 - (1) an original classification authority is classifying the information;
 - (2) the information is owned by, produced by or for, or is under the control of the United States Government;
 - (3) the information falls within one or more of the categories of information listed in section 1.5 of this order; and
 - (4) the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security and the original classification authority is able to identify or describe the damage.
- (b) If there is significant doubt about the need to classify information, it shall not be classified. This provision does not:
 - (1) amplify or modify the substantive criteria or procedures for classification; or
 - (2) create any substantive or procedural rights subject to judicial review.

- (c) Classified information shall not be declassified automatically as a result of any unauthorized disclosure of identical or similar information.

Sec. 1.3 *Classification Levels.*

- (a) Information may be classified at one of the following three levels:
 - (1) "Top Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority is able to identify or describe.
 - (2) "Secret" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.
 - (3) "Confidential" shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.
- (b) Except as otherwise provided by statute, no other terms shall be used to identify United States classified information.
- (c) If there is significant doubt about the appropriate level of classification, it shall be classified at the lower level.

Sec. 1.4 *Classification Authority.*

- (a) The authority to classify information originally may be exercised only by:
 - (1) The President;
 - (2) agency heads and officials designated by the President in the *Federal Register* or
 - (3) United States Government officials delegated this authority pursuant to paragraph (c), below.
- (b) Officials authorized to classify information at a specified level are also authorized to classify information at a lower level.
- (c) Delegation of original classification authority.
 - (1) Delegations of original classification authority shall be limited to the minimum required to administer this order. Agency heads are responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.
 - (2) "Top Secret" original classification authority may be delegated only by the President or by an agency head or official designated pursuant to paragraph (a)(2), above.
 - (3) "Secret" or "Confidential" original classification authority may be delegated only by the President; an agency head or official designated pursuant to paragraph (a)(2), above; or the senior agency official, provided that official has been delegated "Top Secret" original classification authority by the agency head.
 - (4) Each delegation of original classification authority shall be in writing and the authority shall not be redelegated except as provided in this order. Each delegation shall identify the official by name or position title.

- (d) Original classification authorities must receive training in original classification as provided in this order and its implementing directives.
- (e) *Exceptional Cases.* When an employee, contractor, licensee, certificate holder, or grantee of an agency that does not have original classification authority originates information believed by that person to require classification, the information shall be protected in a manner consistent with this order and its implementing directives. The information shall be transmitted promptly as provided under this order or its implementing directives to the agency that has appropriate subject matter interest and classification authority with respect to this information. That agency shall decide within 30 days whether to classify this information. If it is not clear which agency has classification responsibility for this information, it shall be sent to the Director of the Information Security Oversight Office. The Director shall determine the agency having primary subject matter interest and forward the information, with appropriate recommendations, to that agency for a classification determination.

Sec. 1.5 *Classification Categories.*

Information may not be considered for classification unless it concerns:

- (a) military plans, weapons systems, or operations;
- (b) foreign government information;
- (c) intelligence activities (including special activities), intelligence sources or methods, or cryptology;
- (d) foreign relations or foreign activities of the United States, including confidential sources;
- (e) scientific, technological, or economic matters relating to the national security;
- (f) United States Government programs for safeguarding nuclear materials or facilities; or
- (g) vulnerabilities or capabilities of systems, installations, projects or plans relating to the national security.

Sec. 1.6 *Duration of Classification.*

- (a) At the time of original classification, the original classification authority shall attempt to establish a specific date or event for declassification based upon the duration of the national security sensitivity of the information. The date or event shall not exceed the time frame in paragraph (b), below.
- (b) If the original classification authority cannot determine an earlier specific date or event for declassification, information shall be marked for declassification 10 years from the date of the original decision, except as provided in paragraph (d), below.
- (c) An original classification authority may extend the duration of classification or reclassify specific information for successive periods not to exceed 10 years at a time if such action is consistent with the standards and procedures established under this order. This provision does not apply to information contained in records that are more than 25 years old and have been determined to have permanent historical value under title 44, United States Code.
- (d) At the time of original classification, the original classification authority may exempt from declassification within 10 years specific information, the unauthorized disclosure of which

could reasonably be expected to cause damage to the national security, for a period greater than that provided in paragraph (b), above, and the release of which could reasonably be expected to:

- (1) reveal an intelligence source, method, or activity, or a cryptologic system or activity;
 - (2) reveal information that would assist in the development or use of weapons of mass destruction;
 - (3) reveal information that would impair the development or use of technology within a United States weapon system;
 - (4) reveal United States military plans, or national security emergency preparedness plans;
 - (5) reveal foreign government information;
 - (6) damage relations between the United States and a foreign government, reveal a confidential source, or seriously undermine diplomatic activities that are reasonably expected to be ongoing for a period greater than that provided in paragraph (b), above;
 - (7) impair the ability of responsible United States Government officials to protect the President, the Vice President, and other individuals for whom protection services, in the interest of national security, are authorized; or
 - (8) violate a statute, treaty, or international agreement.
- (e) Information marked for an indefinite duration of classification under predecessor orders, for example, "Originating Agency's Determination Required," or information classified under predecessor orders that contains no declassification instructions shall be declassified in accordance with part 3 of this order.

Sec. 1.7 *Identification and Markings.*

- (a) At the time of original classification, the following shall appear on the face of each classified document, or shall be applied to other classified media in an appropriate manner:
- (1) one of the three classification levels defined in section 1.3 of this order;
 - (2) the identity, by name or personal identifier and position, of the original classification authority;
 - (3) the agency and office of origin, if not otherwise evident;
 - (4) declassification instructions, which shall indicate one of the following:
 - (A) The date or event for declassification, as prescribed in section 1.6(a) or section 1.6(c);
or
 - (B) the date that is ten years from the date of original classification, as prescribed in section 1.6(b); or
 - (C) the exemption category from automatic declassification, as prescribed in section 1.6(d); and
 - (5) a concise reason for classification which, at a minimum, cites the applicable classification categories in section 1.5 of this order.

- (b) Specific information contained in paragraph (a), above, may be excluded if it would reveal additional classified information.
- (c) Each classified document shall, by marking or other means, indicate which portions are classified, with the applicable classification level, which portions are exempt from declassification under section 1.6(d) of this order, and which portions are unclassified. In accordance with standards prescribed in directives issued under this order, the Director of the Information Security Oversight Office may grant waivers of this requirement for specified classes of documents or information. The Director shall revoke any waiver upon a finding of abuse.
- (d) Markings implementing the provisions of this order, including abbreviations and requirements to safeguard classified working papers, shall conform to the standards prescribed in implementing directives issued pursuant to this order.
- (e) Foreign government information shall retain its original classification markings or shall be assigned a U.S. classification that provides a degree of protection at least equivalent to that required by the entity that furnished the information.
- (f) Information assigned a level of classification under this or predecessor orders shall be considered as classified at that level of classification despite the omission of other required markings. Whenever such information is used in the derivative classification process or is reviewed for possible declassification, holders of such information shall coordinate with an appropriate classification authority for the application of omitted markings.
- (g) The classification authority shall, whenever practicable, use a classified addendum whenever classified information constitutes a small portion of an otherwise unclassified document.

Sec. 1.8 *Classification Prohibitions and Limitations.*

- (a) In no case shall information be classified in order to:
 - (1) conceal violations of law, inefficiency, or administrative error;
 - (2) prevent embarrassment to a person, organization, or agency;
 - (3) restrain competition; or
 - (4) prevent or delay the release of information that does not require protection in the interest of national security.
- (b) Basic scientific research information not clearly related to the national security may not be classified.
- (c) Information may not be reclassified after it has been declassified and released to the public under proper authority.
- (d) Information that has not previously been disclosed to the public under proper authority may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of section 3.6 of this order only if such classification meets the requirements of this order and is accomplished on a document-by-document basis with the personal participation or under the direction of the agency head, the deputy agency head, or the senior agency official designated under section 5.6 of this order. This provision does not apply to

classified information contained in records that are more than 25 years old and have been determined to have permanent historical value under title 44, United States Code.

- (e) Compilations of items of information which are individually unclassified may be classified if the compiled information reveals an additional association or relationship that:
 - (1) meets the standards for classification under this order; and
 - (2) is not otherwise revealed in the individual items of information. As used in this order, "compilation" means an aggregation of pre-existing unclassified items of information.

Sec. 1.9 *Classification Challenges.*

- (a) Authorized holders of information who, in good faith, believe that its classification status is improper are encouraged and expected to challenge the classification status of the information in accordance with agency procedures established under paragraph (b), below.
- (b) In accordance with implementing directives issued pursuant to this order, an agency head or senior agency official shall establish procedures under which authorized holders of information are encouraged and expected to challenge the classification of information that they believe is improperly classified or unclassified. These procedures shall assure that:
 - (1) individuals are not subject to retribution for bringing such actions;
 - (2) an opportunity is provided for review by an impartial official or panel; and
 - (3) individuals are advised of their right to appeal agency decisions to the Interagency Security Classification Appeals Panel established by section 5.4 of this order.

Part 2 - Derivative Classification

Sec. 2.1 *Definitions.* For purposes of this order:

- (a) "Derivative classification" means the incorporating, paraphrasing, restating or generating in new form information that is already classified, and marking the newly developed material consistent with the classification markings that apply to the source information. Derivative classification includes the classification of information based on classification guidance. The duplication or reproduction of existing classified information is not derivative classification.
- (b) "Classification guidance" means any instruction or source that prescribes the classification of specific information.
- (c) "Classification guide" means a documentary form of classification guidance issued by an original classification authority that identifies the elements of information regarding a specific subject that must be classified and establishes the level and duration of classification for each such element.
- (d) "Source document" means an existing document that contains classified information that is incorporated, paraphrased, restated, or generated in new form into a new document.
- (e) "Multiple sources" means two or more source documents, classification guides or a combination of both.

Sec. 2.2 *Use of Derivative Classification.*

- (a) Persons who only reproduce, extract, or summarize classified information, or who only apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.
- (b) Persons who apply derivative classification markings shall:
 - (1) observe and respect original classification decisions; and
 - (2) carry forward to any newly created documents the pertinent classification markings. For information derivatively classified based on multiple sources, the derivative classifier shall carry forward:
 - (A) the date or event for declassification that corresponds to the longest period of classification among the sources; and
 - (B) a listing of these sources on or attached to the official file or record copy.

Sec. 2.3 *Classification Guides.*

- (a) Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information. These guides shall conform to standards contained in directives issued under this order.
- (b) Each guide shall be approved personally and in writing by an official who:
 - (1) has program or supervisory responsibility over the information or is the senior agency official; and
 - (2) is authorized to classify information originally at the highest level of classification prescribed in the guide.
- (c) Agencies shall establish procedures to assure that classification guides are reviewed and updated as provided in directives issued under this order.

Part 3 - Declassification and Downgrading

Sec. 3.1 *Definitions.* For purposes of this order:

- (a) "Declassification" means the authorized change in the status of information from classified information to unclassified information.
- (b) "Automatic declassification" means the declassification of information based solely upon:
 - (1) The occurrence of a specific date or event as determined by the original classification authority; or
 - (2) the expiration of a maximum time frame for duration of classification established under this order.
- (c) "Declassification authority" means:
 - (1) the official who authorized the original classification, if that official is still serving in the same position;

- (2) the originator's current successor in function;
- (3) a supervisory official of either; or
- (4) officials delegated declassification authority in writing by the agency head or the senior agency official.
- (d) "Mandatory declassification review" means the review for declassification of classified information in response to a request for declassification that meets the requirements under section 3.6 of this order.
- (e) "Systematic declassification review" means the review for declassification of classified information contained in records that have been determined by the Archivist of the United States ("Archivist") to have permanent historical value in accordance with chapter 33 of title 44, United States Code.
- (f) "Declassification guide" means written instructions issued by a declassification authority that describes the elements of information regarding a specific subject that may be declassified and the elements that must remain classified.
- (g) "Downgrading" means a determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.
- (h) "File series" means documentary material, regardless of its physical form or characteristics, that is arranged in accordance with a filing system or maintained as a unit because it pertains to the same function or activity.

Sec. 3.2 *Authority for Declassification.*

- (a) Information shall be declassified as soon as it no longer meets the standards for classification under this order.
- (b) It is presumed that information that continues to meet the classification requirements under this order requires continued protection. In some exceptional cases, however, the need to protect such information may be outweighed by the public interest in disclosure of the information, and in these cases the information should be declassified. When such questions arise, they shall be referred to the agency head or the senior agency official. That official will determine, as an exercise of discretion, whether the public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure. This provision does not:
 - (1) amplify or modify the substantive criteria or procedures for classification; or
 - (2) create any substantive or procedural rights subject to judicial review.
- (c) If the Director of the Information Security Oversight Office determines that information is classified in violation of this order, the Director may require the information to be declassified by the agency that originated the classification. Any such decision by the Director may be appealed to the President through the Assistant to the President for National Security Affairs. The information shall remain classified pending a prompt decision on the appeal.
- (d) The provisions of this section shall also apply to agencies that, under the terms of this order, do not have original classification authority, but had such authority under predecessor orders.

Sec. 3.3 *Transferred Information.*

- (a) In the case of classified information transferred in conjunction with a transfer of functions, and not merely for storage purposes, the receiving agency shall be deemed to be the originating agency for purposes of this order.
- (b) In the case of classified information that is not officially transferred as described in paragraph (a), above, but that originated in an agency that has ceased to exist and for which there is no successor agency, each agency in possession of such information shall be deemed to be the originating agency for purposes of this order. Such information may be declassified or downgraded by the agency in possession after consultation with any other agency that has an interest in the subject matter of the information.
- (c) Classified information accessioned into the National Archives and Records Administration ("National Archives") as of the effective date of this order shall be declassified or downgraded by the Archivist in accordance with this order, the directives issued pursuant to this order, agency declassification guides, and any existing procedural agreement between the Archivist and the relevant agency head.
- (d) The originating agency shall take all reasonable steps to declassify classified information contained in records determined to have permanent historical value before they are accessioned into the National Archives. However, the Archivist may require that records containing classified information be accessioned into the National Archives when necessary to comply with the provisions of the Federal Records Act. This provision does not apply to information being transferred to the Archivist pursuant to section 2203 of title 44, United States Code, or information for which the National Archives and Records Administration serves as the custodian of the records of an agency or organization that goes out of existence.
- (e) To the extent practicable, agencies shall adopt a system of records management that will facilitate the public release of documents at the time such documents are declassified pursuant to the provisions for automatic declassification in sections 1.6 and 3.4 of this order.

Sec. 3.4 *Automatic Declassification.*

- (a) Subject to paragraph (b), below, within five years from the date of this order, all classified information contained in records that (1) are more than 25 years old, and (2) have been determined to have permanent historical value under title 44, United States Code, shall be automatically declassified whether or not the records have been reviewed. Subsequently, all classified information in such records shall be automatically declassified no longer than 25 years from the date of its original classification, except as provided in paragraph (b), below.
- (b) An agency head may exempt from automatic declassification under paragraph (a), above, specific information, the release of which should be expected to:
 - (1) reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States;

- (2) reveal information that would assist in the development or use of weapons of mass destruction;
 - (3) reveal information that would impair U.S. cryptologic systems or activities;
 - (4) reveal information that would impair the application of state of the art technology within a U.S. weapon system;
 - (5) reveal actual U.S. military war plans that remain in effect;
 - (6) reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States;
 - (7) reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized;
 - (8) reveal information that would seriously and demonstrably impair current national security emergency preparedness plans; or
 - (9) violate a statute, treaty, or international agreement.
- (c) No later than the effective date of this order, an agency head shall notify the President through the Assistant to the President for National Security Affairs of any specific file series of records for which a review or assessment has determined that the information within those file series almost invariably falls within one or more of the exemption categories listed in paragraph (b), above, and which the agency proposes to exempt from automatic declassification. The notification shall include:
- (1) a description of the file series;
 - (2) an explanation of why the information within the file series is almost invariably exempt from automatic declassification and why the information must remain classified for a longer period of time; and
 - (3) except for the identity of a confidential human source or a human intelligence source, as provided in paragraph (b), above, a specific date or event for declassification of the information. The President may direct the agency head not to exempt the file series or to declassify the information within that series at an earlier date than recommended.
- (d) At least 180 days before information is automatically declassified under this section, an agency head or senior agency official shall notify the Director of the Information Security Oversight Office, serving as executive secretary of the Interagency Security Classification Appeals Panel, of any specific information beyond that included in a notification to the President under paragraph (c), above, that the agency proposes to exempt from automatic declassification. The notification shall include:
- (1) a description of the information;
 - (2) an explanation of why the information is exempt from automatic declassification and must remain classified for a longer period of time; and
 - (3) except for the identity of a confidential human source or a human intelligence source, as provided in paragraph (b), above, a specific date or event for declassification of the

information. The Panel may direct the agency not to exempt the information or to declassify it at an earlier date than recommended. The agency head may appeal such a decision to the President through the Assistant to the President for National Security Affairs. The information will remain classified while such an appeal is pending.

- (e) No later than the effective date of this order, the agency head or senior agency official shall provide the Director of the Information Security Oversight Office with a plan for compliance with the requirements of this section, including the establishment of interim target dates. Each such plan shall include the requirement that the agency declassify at least 15 percent of the records affected by this section no later than 1 year from the effective date of this order, and similar commitments for subsequent years until the effective date for automatic declassification.
- (f) Information exempted from automatic declassification under this section shall remain subject to the mandatory and systematic declassification review provisions of this order.
- (g) The Secretary of State shall determine when the United States should commence negotiations with the appropriate officials of a foreign government or international organization of governments to modify any treaty or international agreement that requires the classification of information contained in records affected by this section for a period longer than 25 years from the date of its creation, unless the treaty or international agreement pertains to information that may otherwise remain classified beyond 25 years under this section.

Sec. 3.5 *Systematic Declassification Review.*

- (a) Each agency that has originated classified information under this order or its predecessors shall establish and conduct a program for systematic declassification review. This program shall apply to historically valuable records exempted from automatic declassification under section 3.4 of this order. Agencies shall prioritize the systematic review of records based upon:
 - (1) recommendations of the Information Security Policy Advisory Council, established in section 5.5 of this order, on specific subject areas for systematic review concentration; or
 - (2) the degree of researcher interest and the likelihood of declassification upon review.
- (b) The Archivist shall conduct a systematic declassification review program for classified information: (1) accessioned into the National Archives as of the effective date of this order; (2) information transferred to the Archivist pursuant to section 2203 of title 44, United States Code; and (3) information for which the National Archives and Records Administration serves as the custodian of the records of an agency or organization that has gone out of existence. This program shall apply to pertinent records no later than 25 years from the date of their creation. The Archivist shall establish priorities for the systematic review of these records based upon the recommendations of the Information Security Policy Advisory Council; or the degree of researcher interest and the likelihood of declassification upon review. These records shall be reviewed in accordance with the standards of this order, its implementing directives, and declassification guides provided to the Archivist by each agency that originated the records. The Director of the Information Security Oversight Office shall assure that agencies provide the Archivist with adequate and current declassification guides.

- (c) After consultation with affected agencies, the Secretary of Defense may establish special procedures for systematic review for declassification of classified cryptologic information, and the Director of Central Intelligence may establish special procedures for systematic review for declassification of classified information pertaining to intelligence activities (including special activities), or intelligence sources or methods.

Sec. 3.6 *Mandatory Declassification Review.*

- (a) Except as provided in paragraph (b), below, all information classified under this order or predecessor orders shall be subject to a review for declassification by the originating agency if:
 - (1) the request for a review describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort;
 - (2) the information is not exempted from search and review under the Central Intelligence Agency Information Act; and
 - (3) the information has not been reviewed for declassification within the past two years. If the agency has reviewed the information within the past two years, or the information is the subject of pending litigation, the agency shall inform the requester of this fact and of the requester's appeal rights.
- (b) Information originated by
 - (1) the incumbent President;
 - (2) the incumbent President's White House Staff;
 - (3) committees, commissions, or boards appointed by the incumbent President; or
 - (4) other entities within the Executive Office of the President that solely advise and assist the incumbent President is exempted from the provisions of paragraph (a), above. However, the Archivist shall have the authority to review, downgrade, and declassify information of former presidents under the control of the Archivist pursuant to sections 2107, 2111, 2111 note, or 2203 of title 44, United States Code. Review procedures developed by the Archivist shall provide for consultation with agencies having primary subject matter interest and shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective presidential papers or records. Agencies with primary subject matter interest shall be notified promptly of the Archivist's decision. Any final decision by the Archivist may be appealed by the requester or an agency to the Interagency Security Classification Appeals Panel. The information shall remain classified pending a prompt decision on the appeal.
- (c) Agencies conducting a mandatory review for declassification shall declassify information that no longer meets the standards for classification under this order. They shall release this information unless withholding is otherwise authorized and warranted under applicable law.
- (d) In accordance with directives issued pursuant to this order, agency heads shall develop procedures to process requests for the mandatory review of classified information. These procedures shall apply to information classified under this or predecessor orders. They also shall provide a means for administratively appealing a denial of a mandatory review request,

and for notifying the requester of the right to appeal a final agency decision to the Interagency Security Classification Appeals Panel.

- (e) After consultation with affected agencies, the Secretary of Defense shall develop special procedures for the review of cryptologic information, the Director of Central Intelligence shall develop special procedures for the review of information pertaining to intelligence activities (including special activities), or intelligence sources or methods, and the Archivist shall develop special procedures for the review of information accessioned into the National Archives.

Sec. 3.7 *Processing Requests and Reviews.*

In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of this order, or pursuant to the automatic declassification or systematic review provisions of this order:

- (a) An agency may refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classified under this order.
- (b) When an agency receives any request for documents in its custody that contain information that was originally classified by another agency, or comes across such documents in the process of the automatic declassification or systematic review provisions of this order, it shall refer copies of any request and the pertinent documents to the originating agency for processing, and may, after consultation with the originating agency, inform any requester of the referral unless such association is itself classified under this order. In cases in which the originating agency determines in writing that a response under paragraph (a), above, is required, the referring agency shall respond to the requester in accordance with that paragraph.

Sec. 3.8 *Declassification Database.*

- (a) The Archivist in conjunction with the Director of the Information Security Oversight Office and those agencies that originate classified information, shall establish a Government-wide database of information that has been declassified. The Archivist shall also explore other possible uses of technology to facilitate the declassification process.
- (b) Agency heads shall fully cooperate with the Archivist in these efforts.
- (c) Except as otherwise authorized and warranted by law, all declassified information contained within the database established under paragraph (a), above, shall be available to the public.

Part 4 - Safeguarding

Sec. 4.1 *Definitions.* For purposes of this order:

- (a) "Safeguarding" means measures and controls that are prescribed to protect classified information.
- (b) "Access" means the ability or opportunity to gain knowledge of classified information.

- (c) "Need-to-know" means a determination made by an authorized holder of classified information that a prospective recipient requires access to specific classified information in order to perform or assist in a lawful and authorized governmental function.
- (d) "Automated information system" means an assembly of computer hardware, software, or firmware configured to collect, create, communicate, compute, disseminate, process, store, or control data or information.
- (e) "Integrity" means the state that exists when information is unchanged from its source and has not been accidentally or intentionally modified, altered, or destroyed.
- (f) "Network" means a system of two or more computers that can exchange data or information.
- (g) "Telecommunications" means the preparation, transmission, or communication of information by electronic means.
- (h) "Special access program" means a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.

Sec. 4.2 *General Restrictions on Access.*

- (a) A person may have access to classified information provided that:
 - (1) a favorable determination of eligibility for access has been made by an agency head or the agency head's designee;
 - (2) the person has signed an approved nondisclosure agreement; and
 - (3) the person has a need-to-know the information.
- (b) Classified information shall remain under the control of the originating agency or its successor in function. An agency shall not disclose information originally classified by another agency without its authorization. An official or employee leaving agency service may not remove classified information from the agency's control.
- (c) Classified information may not be removed from official premises without proper authorization.
- (d) Persons authorized to disseminate classified information outside the executive branch shall assure the protection of the information in a manner equivalent to that provided within the executive branch.
- (e) Consistent with law, directives and regulation, an agency head or senior agency official shall establish uniform procedures to ensure that automated information systems, including networks and telecommunications systems, that collect, create, communicate, compute, disseminate, process, or store classified information have controls that:
 - (1) prevent access by unauthorized persons; and
 - (2) ensure the integrity of the information.
- (f) Consistent with law, directives and regulation, each agency head or senior agency official shall establish controls to ensure that classified information is used, processed, stored, reproduced,

transmitted, and destroyed under conditions that provide adequate protection and prevent access by unauthorized persons.

- (g) Consistent with directives issued pursuant to this order, an agency shall safeguard foreign government information under standards that provide a degree of protection at least equivalent to that required by the government or international organization of governments that furnished the information. When adequate to achieve equivalency, these standards may be less restrictive than the safeguarding standards that ordinarily apply to United States "Confidential" information, including allowing access to individuals with a need-to-know who have not otherwise been cleared for access to classified information or executed an approved nondisclosure agreement.
- (h) Except as provided by statute or directives issued pursuant to this order, classified information originating in one agency may not be disseminated outside any other agency to which it has been made available without the consent of the originating agency. An agency head or senior agency official may waive this requirement for specific information originated within that agency. For purposes of this section, the Department of Defense shall be considered one agency.

Sec. 4.3 *Distribution Controls.*

- (a) Each agency shall establish controls over the distribution of classified information to assure that it is distributed only to organizations or individuals eligible for access who also have a need-to-know the information.
- (b) Each agency shall update, at least annually, the automatic, routine, or recurring distribution of classified information that they distribute. Recipients shall cooperate fully with distributors who are updating distribution lists and shall notify distributors whenever a relevant change in status occurs.

Sec. 4.4 *Special Access Programs.*

- (a) *Establishment of special access programs.* Unless otherwise authorized by the President, only the Secretaries of State, Defense and Energy, and the Director of Central Intelligence, or the principal deputy of each, may create a special access program. For special access programs pertaining to intelligence activities (including special activities, but not including military operational, strategic and tactical programs), or intelligence sources or methods, this function will be exercised by the Director of Central Intelligence. These officials shall keep the number of these programs at an absolute minimum, and shall establish them only upon a specific finding that:
 - (1) the vulnerability of, or threat to, specific information is exceptional; and
 - (2) the normal criteria for determining eligibility for access applicable to information classified at the same level are not deemed sufficient to protect the information from unauthorized disclosure; or
 - (3) the program is required by statute.

(b) *Requirements and limitations.*

- (1) Special access programs shall be limited to programs in which the number of persons who will have access ordinarily will be reasonably small and commensurate with the objective of providing enhanced protection for the information involved.
- (2) Each agency head shall establish and maintain a system of accounting for special access programs consistent with directives issued pursuant to this order.
- (3) Special access programs shall be subject to the oversight program established under section 5.6(c) of this order. In addition, the Director of the Information Security Oversight Office shall be afforded access to these programs, in accordance with the security requirements of each program, in order to perform the functions assigned to the Information Security Oversight Office under this order. An agency head may limit access to a special access program to the Director and no more than one other employee of the Information Security Oversight Office; or, for special access programs that are extraordinarily sensitive and vulnerable, to the Director only.
- (4) The agency head or principal deputy shall review annually each special access program to determine whether it continues to meet the requirements of this order.
- (5) Upon request, an agency shall brief the Assistant to the President for National Security Affairs, or his or her designee, on any or all of the agency's special access programs.
- (c) Within 180 days after the effective date of this order, each agency head or principal deputy shall review all existing special access programs under the agency's jurisdiction. These officials shall terminate any special access programs that do not clearly meet the provisions of this order. Each existing special access program that an agency head or principal deputy validates shall be treated as if it were established on the effective date of this order.
- (d) Nothing in this order shall supersede any requirement made by or under 10 U.S.C. 119.

Sec. 4.5 *Access by Historical Researchers and Former Presidential Appointees.*

- (a) The requirement in section 4.2(a)(3) of this order that access to classified information may be granted only to individuals who have a need-to-know the information may be waived for persons who:
 - (1) are engaged in historical research projects; or
 - (2) previously have occupied policy-making positions to which they were appointed by the President.
- (b) Waivers under this section may be granted only if the agency head or senior agency official of the originating agency:
 - (1) determines in writing that access is consistent with the interest of national security;
 - (2) takes appropriate steps to protect classified information from unauthorized disclosure or compromise, and ensures that the information is safeguarded in a manner consistent with this order; and
 - (3) limits the access granted to former presidential appointees to items that the person originated, reviewed, signed, or received while serving as a presidential appointee.

Part 5 - Implementation and Review

Sec. 5.1 *Definitions.* For purposes of this order:

- (a) "Self-inspection" means the internal review and evaluation of individual agency activities and the agency as a whole with respect to the implementation of the program established under this order and its implementing directives.
- (b) "Violation" means:
 - (1) any knowing, willful or negligent action that could reasonably be expected to result in an unauthorized disclosure of classified information;
 - (2) any knowing, willful or negligent action to classify or continue the classification of information contrary to the requirements of this order or its implementing directives; or
 - (3) any knowing, willful or negligent action to create or continue a special access program contrary to the requirements of this order.
- (c) "Infraction" means any knowing, willful or negligent action contrary to the requirements of this order or its implementing directives that does not comprise a "violation," as defined above.

Sec. 5.2 *Program Direction.*

- (a) The Director of the Office of Management and Budget, in consultation with the Assistant to the President for National Security Affairs and the co-chairs of the Security Policy Board, shall issue such directives as are necessary to implement this order. These directives shall be binding upon the agencies. Directives issued by the Director of the Office of Management and Budget shall establish standards for:
 - (1) classification and marking principles;
 - (2) agency security education and training programs;
 - (3) agency self-inspection programs; and
 - (4) classification and declassification guides.
- (b) The Director of the Office of Management and Budget shall delegate the implementation and monitorship functions of this program to the Director of the Information Security Oversight Office.
- (c) The Security Policy Board, established by a Presidential Decision Directive, shall make a recommendation to the President through the Assistant to the President for National Security Affairs with respect to the issuance of a Presidential directive on safeguarding classified information. The Presidential directive shall pertain to the handling, storage, distribution, transmittal and destruction of and accounting for classified information.

Sec. 5.3 *Information Security Oversight Office.*

- (a) There is established within the Office of Management and Budget an Information Security Oversight Office. The Director of the Office of Management and Budget shall appoint the Director of the Information Security Oversight Office, subject to the approval of the President.

- (b) Under the direction of the Director of the Office of Management and Budget acting in consultation with the Assistant to the President for National Security Affairs, the Director of the Information Security Oversight Office shall:
- (1) develop directives for the implementation of this order;
 - (2) oversee agency actions to ensure compliance with this order and its implementing directives;
 - (3) review and approve agency implementing regulations and agency guides for systematic declassification review prior to their issuance by the agency;
 - (4) have the authority to conduct on-site reviews of each agency's program established under this order, and to require of each agency those reports, information, and other cooperation that may be necessary to fulfill its responsibilities. If granting access to specific categories of classified information would pose an exceptional national security risk, the affected agency head or the senior agency official shall submit a written justification recommending the denial of access to the Director of the Office of Management and Budget within 60 days of the request for access. Access shall be denied pending a prompt decision by the Director of the Office of Management and Budget, who shall consult on this decision with the Assistant to the President for National Security Affairs;
 - (5) review requests for original classification authority from agencies or officials not granted original classification authority and, if deemed appropriate, recommend presidential approval through the Director of the Office of Management and Budget;
 - (6) consider and take action on complaints and suggestions from persons within or outside the government with respect to the administration of the program established under this order;
 - (7) have the authority to prescribe, after consultation with affected agencies, standardization of forms or procedures that will promote the implementation of the program established under this order;
 - (8) report at least annually to the President on the implementation of this order; and
 - (9) convene and chair interagency meetings to discuss matters pertaining to the program established by this order.

Sec. 5.4 *Interagency Security Classification Appeals Panel.*

(a) *Establishment and Administration.*

- (1) There is established an Interagency Security Classification Appeals Panel ("Panel"). The Secretaries of State and Defense, the Attorney General, the Director of Central Intelligence, the Archivist of the United States, and the Assistant to the President for National Security Affairs shall each appoint a senior level representative to serve as a member of the Panel. The President shall select the Chair of the Panel from among the Panel members.
- (2) A vacancy on the Panel shall be filled as quickly as possible as provided in paragraph (1), above.

- (3) The Director of the Information Security Oversight Office shall serve as the Executive Secretary. The staff of the Information Security Oversight Office shall provide program and administrative support for the Panel.
 - (4) The members and staff of the Panel shall be required to meet eligibility for access standards in order to fulfill the Panel's functions.
 - (5) The Panel shall meet at the call of the Chair. The Chair shall schedule meetings as may be necessary for the Panel to fulfill its functions in a timely manner.
 - (6) The Information Security Oversight Office shall include in its reports to the President a summary of the Panel's activities.
- (b) *Functions.* The Panel shall:
- (1) decide on appeals by persons who have filed classification challenges under section 1.9 of this order;
 - (2) approve, deny or amend agency exemptions from automatic declassification as provided in section 3.4 of this order; and
 - (3) decide on appeals by persons or entities who have filed requests for mandatory declassification review under section 3.6 of this order.
- (c) *Rules and Procedures.* The Panel shall issue bylaws, which shall be published in the *Federal Register* no later than 120 days from the effective date of this order. The bylaws shall establish the rules and procedures that the Panel will follow in accepting, considering, and issuing decisions on appeals. The rules and procedures of the Panel shall provide that the Panel will consider appeals only on actions in which: (1) the appellant has exhausted his or her administrative remedies within the responsible agency; (2) there is no current action pending on the issue within the federal courts; and (3) the information has not been the subject of review by the federal courts or the Panel within the past two years.
- (d) Agency heads will cooperate fully with the Panel so that it can fulfill its functions in a timely and fully informed manner. An agency head may appeal a decision of the Panel to the President through the Assistant to the President for National Security Affairs. The Panel will report to the President through the Assistant to the President for National Security Affairs any instance in which it believes that an agency head is not cooperating fully with the Panel.
- (e) The Appeals Panel is established for the sole purpose of advising and assisting the President in the discharge of his constitutional and discretionary authority to protect the national security of the United States. Panel decisions are committed to the discretion of the Panel, unless reversed by the President.

Sec. 5.5 *Information Security Policy Advisory Council.*

- (a) *Establishment.* There is established an Information Security Policy Advisory Council ("Council"). The Council shall be composed of seven members appointed by the President for staggered terms not to exceed four years, from among persons who have demonstrated interest and expertise in an area related to the subject matter of this order and are not otherwise employees of the Federal Government. The President shall appoint the Council chair from among the members. The Council shall comply with the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 2.

(b) *Functions.* The Council shall:

- (1) advise the President, the Assistant to the President for National Security Affairs, the Director of the Office of Management and Budget, or such other executive branch officials as it deems appropriate, on policies established under this order or its implementing directives, including recommended changes to those policies;
- (2) provide recommendations to agency heads for specific subject areas for systematic declassification review; and
- (3) serve as a forum to discuss policy issues in dispute.

(c) *Meetings.* The Council shall meet at least twice each calendar year, and as determined by the Assistant to the President for National Security Affairs or the Director of the Office of Management and Budget.

(d) *Administration.*

- (1) Each Council member may be compensated at a rate of pay not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the general schedule under section 5376 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Council.
- (2) While away from their homes or regular place of business in the actual performance of the duties of the Council, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5703(b)).
- (3) To the extent permitted by law and subject to the availability of funds, the Information Security Oversight Office shall provide the Council with administrative services, facilities, staff, and other support services necessary for the performance of its functions.
- (4) Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, that are applicable to the Council, except that of reporting to the Congress, shall be performed by the Director of the Information Security Oversight Office in accordance with the guidelines and procedures established by the General Services Administration.

Sec. 5.6 *General Responsibilities.*

Heads of agencies that originate or handle classified information shall:

- (a) demonstrate personal commitment and commit senior management to the successful implementation of the program established under this order;
- (b) commit necessary resources to the effective implementation of the program established under this order;
- (c) designate a senior agency official to direct and administer the program, whose responsibilities shall include:
 - (1) overseeing the agency's program established under this order, provided, an agency head may designate a separate official to oversee special access programs authorized under this

order. This official shall provide a full accounting of the agency's special access programs at least annually;

- (2) promulgating implementing regulations, which shall be published in the *Federal Register* to the extent that they affect members of the public;
- (3) establishing and maintaining security education and training programs;
- (4) establishing and maintaining an ongoing self-inspection program, which shall include the periodic review and assessment of the agency's classified product;
- (5) establishing procedures to prevent unnecessary access to classified information, including procedures that: (i) require that a need for access to classified information is established before initiating administrative clearance procedures; and (ii) ensure that the number of persons granted access to classified information is limited to the minimum consistent with operational and security requirements and needs;
- (6) developing special contingency plans for the safeguarding of classified information used in or near hostile or potentially hostile areas;
- (7) assuring that the performance contract or other system used to rate civilian or military personnel performance includes the management of classified information as a critical element or item to be evaluated in the rating of: (i) original classification authorities; (ii) security managers or security specialists; and (iii) all other personnel whose duties significantly involve the creation or handling of classified information;
- (8) accounting for the costs associated with the implementation of this order, which shall be reported to the Director of the Information Security Oversight Office for publication; and
- (9) assigning in a prompt manner agency personnel to respond to any request, appeal, challenge, complaint or suggestion arising out of this order that pertains to classified information that originated in a component of the agency that no longer exists and for which there is no clear successor in function.

Sec. 5.7 *Sanctions.*

- (a) If the Director of the Information Security Oversight Office finds that a violation of this order or its implementing directives may have occurred, the Director shall make a report to the head of the agency or to the senior agency official so that corrective steps, if appropriate, may be taken.
- (b) Officers and employees of the United States Government, and its contractors, licensees, certificate holders, and grantees shall be subject to appropriate sanctions if they knowingly, willfully, or negligently:
 - (1) disclose to unauthorized persons information properly classified under this order or predecessor orders;
 - (2) classify or continue the classification of information in violation of this order or any implementing directive;
 - (3) create or continue a special access program contrary to the requirements of this order; or
 - (4) contravene any other provision of this order or its implementing directives.

- (c) Sanctions may include reprimand, suspension without pay, removal, termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable law and agency regulation.
- (d) The agency head, senior agency official, or other supervisory official shall, at a minimum, promptly remove the classification authority of any individual who demonstrates reckless disregard or a pattern of error in applying the classification standards of this order.
- (e) The agency head or senior agency official shall:
 - (1) take appropriate and prompt corrective action when a violation or infraction under paragraph (b), above, occurs; and
 - (2) notify the Director of the Information Security Oversight Office when a violation under paragraph (b)(1), (2) or (3), above, occurs.

Part 6 - General Provisions

Sec. 6.1 *General Provisions.*

- (a) Nothing in this order shall supersede any requirement made by or under the Atomic Energy Act of 1954, as amended, or the National Security Act of 1947, as amended. "Restricted Data" and "Formerly Restricted Data" shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued under that Act.
- (b) The Attorney General, upon request by the head of an agency or the Director of the Information Security Oversight Office, shall render an interpretation of this order with respect to any question arising in the course of its administration.
- (c) Nothing in this order limits the protection afforded any information by other provisions of law, including the exemptions to the Freedom of Information Act, the Privacy Act, and the National Security Act of 1947, as amended. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. The foregoing is in addition to the specific provisos set forth in sections 1.2(b), 3.2(b) and 5.4(e) of this order.
- (d) Executive Order No. 12356 of April 6, 1982, is revoked as of the effective date of this order.

Sec. 6.2 *Effective Date.*

This order shall become effective 180 days from the date of its issuance.

William J. Clinton

THE WHITE HOUSE
April 17, 1995

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Title 3—Executive Order 12972 of September 18, 1995

Amendment to Executive Order No. 12958

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to amend Executive Order No. 12958, it is hereby ordered that the definition of "agency" in section 1.1(i) of such order is hereby amended to read as follows: "(i) "Agency" means any "Executive agency" as defined in 5 U.S.C. 105; any "Military department" as defined in 5 U.S.C. 102; and any other entity within the executive branch that comes into the possession of classified information."

William J. Clinton

THE WHITE HOUSE
September 18, 1995

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FAS Intro: See also the ISOO Fact Sheet on the "Impact of Amendment to Executive Order 12958."

November 19, 1999

EXECUTIVE ORDER 13142

**AMENDMENT TO EXECUTIVE ORDER 12958 --
CLASSIFIED NATIONAL SECURITY INFORMATION**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to extend and establish specific dates for the time within which all classified information contained in records more than 25 years old that have been determined to have historical value under title 44, United States Code, should be automatically declassified, and to establish the Information Security Oversight Office within the National Archives and Records Administration, it is hereby ordered that Executive Order 12958 is amended as follows:

Section 1. In the first sentence of section 3.4(a) of Executive Order 12958, the words "within five years from the date of this order" are deleted and the words "within six and one half years from the date of this order" are inserted in lieu thereof.

Sec. 2. The following new language is inserted at the end of section 3.4(a): "For records otherwise subject to this paragraph for which a review or assessment conducted by the agency and confirmed by the Information Security Oversight Office has determined that they: (1) contain information that was created by or is under the control of more than one agency, or (2) are within file series containing information that almost invariably pertains to intelligence sources or methods, all classified information in such records shall be automatically declassified, whether or not the records have been reviewed, within 8 years from the date of this order, except as provided in paragraph (b), below. For records that contain information that becomes subject to automatic declassification after the dates otherwise established in this paragraph, all classified information in such records shall be automatically declassified, whether or not the records have been reviewed on December 31 of the year that is 25 years from the origin of the information, except as provided in paragraph (b), below."

Sec. 3. Subsections (a) and (b) of section 5.2 are amended to read as follows:

"(a) The Director of the Information Security Oversight Office, under the direction of the Archivist of the United States and in consultation with the Assistant to the President for National Security Affairs and the co-chairs of the Security Policy Board, shall issue such directives as are necessary to implement this order. These directives shall be binding upon the agencies. Directives issued by the Director of the Information Security Oversight Office shall establish standards for:

(1) classification and marking principles;

- (2) agency security education and training programs;
- (3) agency self-inspection programs; and
- (4) classification and declassification guides.

(b) The Archivist of the United States shall delegate the implementation and monitorship functions of this program to the Director of the Information Security Oversight Office."

Sec. 4. Subsection (a) and the introductory clause and item (4) of subsection (b) of section 5.3 are amended as follows:

(a) Subsection (a) shall read "(a) There is established within the National Archives and Records Administration an Information Security Oversight Office. The Archivist of the United States shall appoint the Director of the Information Security Oversight Office, subject to the approval of the President."

(b) The introductory clause of subsection (b) shall read "Under the direction of the Archivist of the United States, acting in consultation with the Assistant to the President for National Security Affairs, the Director of the Information Security Oversight Office shall:".

(c) Item (4) of subsection (b) shall read "(4) have the authority to conduct on-site reviews of each agency's program established under this order, and to require of each agency those reports, information, and other cooperation that may be necessary to fulfill its responsibilities. If granting access to specific categories of classified information would pose an exceptional national security risk, the affected agency head or the senior agency official shall submit a written justification recommending the denial of access to the President through the Assistant to the President for National Security Affairs within 60 days of the request for access. Access shall be denied pending the response,".

WILLIAM J. CLINTON

THE WHITE HOUSE,
November 19, 1999.

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Tab 7

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Department of Defense DIRECTIVE

NUMBER 5200.1

December 13, 1996

ASD(C3I)

SUBJECT: DoD Information Security Program

- References:
- (a) DoD Directive 5200.1, subject as above, June 7, 1982 (hereby canceled)
 - (b) Executive Order 12958, "Classified National Security Information," April 20, 1995, as amended
 - (c) Information Security Oversight Office Directive, "Classified National Security Information," October 13, 1995
 - (d) DoD Instruction 5230.21, "Protection of Classified National Security Council and Intelligence Information," March 15, 1982 (hereby canceled)
 - (e) through (i), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a) to update policy and responsibilities for the DoD Information Security Program under references (b) and (c).

1.2. Replaces references (d) through (f) .

1.3. Continues to authorize the publication of DoD 5200.1-R (reference (g)), in accordance with DoD 5025.1-M (reference (h)).

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the

Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

3. DEFINITIONS

3.1. Compromise. A communication or physical transfer of classified information to an unauthorized recipient.

3.2. Information. Any knowledge that may be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, produced by or for, or is under the control of, the Department of Defense.

3.3. National Security. The national defense or foreign relations of the United States.

4. POLICY

It is DoD policy that:

4.1. National security information shall be classified, declassified and safeguarded, in accordance with national-level policy issuances. Misclassification shall be avoided.

4.2. Declassification of information shall receive equal attention with classification to ensure that information remains classified only as long as required by national security considerations.

4.3. The volume of classified national security information shall be reduced to the minimum necessary to meet operational requirements.

4.4. An active security education and training program shall be established and maintained to ensure that DoD military and civilian personnel who require access to classified national security information in the conduct of official business are familiar with their responsibilities for protecting such information from unauthorized disclosure.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall:

5.1.1. Serve as the Senior Agency Official for the Department of Defense under subsection 5.6.(c) of E.O. 12958, as amended (reference (b)).

5.1.2. Direct, administer, and oversee the DoD Information Security Program to ensure that the program is efficient, recognizes assigned authorities and responsibilities, and that appropriate management safeguards are in place to prevent fraud, waste, and abuse.

5.1.3. Approve, when appropriate, requests for exceptions to DoD Information Security Program policies and procedures.

5.1.4. Approve and publish DoD Instructions and Publications, as necessary, to guide, direct, or help DoD Information Security Program activities, consistent with DoD 5025.1-M (reference (h)).

5.1.5. Encourage liaison between the DoD Components and industry; professional associations; academia; Federal, State, and local government organizations; and international organizations to acquire information that may be of use in improving the DoD Information Security Program.

5.1.6. Assist the Under Secretary of Defense for Acquisition and Technology, as required, in implementing the DoD Acquisition Systems Protection Program, both by establishing security policy and providing technical security support to that program.

5.2. The Under Secretary of Defense for Policy shall:

5.2.1. Direct, administer and oversee that portion of the DoD Information Security Program pertaining to Special Access Programs, foreign government (including North Atlantic Treaty Organization) classified information, the National Disclosure Policy and security arrangements for international programs.

5.2.2. Approve, when appropriate, requests for exception to policy involving any programs listed in paragraph 5.2.1., above.

5.3. The Assistant Secretary of Defense for Public Affairs shall:

5.3.1. Direct and administer a DoD Mandatory Declassification Review Program under subsection 3.6. of E.O. 12958 (reference (b)).

5.3.2. Establish policies and procedures for processing mandatory declassification review requests, including appeals consistent with subsection 3.6.(d) of reference (b) and Section 2001.13 of the Information Security Oversight Office Directive (reference (c)), which make maximum use of DoD Component resources and systems established to implement DoD Directive 5400.7 (reference (i)).

5.4. The Under Secretary of Defense for Acquisition and Technology shall serve as the office of primary responsibility and provide day-to-day direction and management of the DoD Acquisition Systems Protection Program.

5.5. The Secretaries of the Military Departments, as Agency Heads under reference (b), and the Heads of the Other DoD Components, shall:

5.5.1. Designate a senior agency official for their respective Departments who shall be responsible for the direction and administration of the Department's information security program, to include active oversight, classification, declassification and security education and training programs to ensure effective implementation of reference (b) and DoD 5200.1-R (reference (g)).


5.5.2. Ensure that funding and resources are adequate to carry out such oversight, classification, declassification and security education and training programs.

5.5.3. Consider and take action on complaints and suggestions from persons in or outside the Government regarding the Department's Information Security Program.

5.6. The Director, National Security Agency, shall, as the designee of the Secretary of Defense, when necessary, impose special requirements on the classification, declassification, marking, reproduction, distribution, accounting, and protection of and access to classified cryptologic information.

6. EFFECTIVE DATE

This Directive is effective immediately.



John P. White
Deputy Secretary of Defense

Enclosures - 1

1. References

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Instruction O-5230.22, "Security Controls on the Dissemination of Intelligence Information," August 17, 1988 (hereby canceled)
- (f) DoD Directive 5200.12, "Conduct of Classified Meetings," July 27, 1992 (hereby canceled)
- (g) DoD 5200.1-R, "Department of Defense Information Security Program Regulation," January 17, 1997 authorized by this Directive
- (h) DoD 5025.1-M, "DoD Directives System Procedures," August 1994, authorized by DoD Directive 5025.1, June 24, 1994
- (i) DoD Directive 5400.7, "DoD Freedom of Information Act Program," May 13, 1988

Tab 8

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DoD Guide to Marking Classified Documents



April 1997

**Assistant Secretary of Defense
for
Command, Control, Communications and Intelligence**

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ASSISTANT SECRETARY OF DEFENSE
6000 DEFENSE PENTAGON
WASHINGTON, DC 20301-6000



COMMAND, CONTROL,
COMMUNICATIONS, AND
INTELLIGENCE

FOREWORD

This Pamphlet is reissued under the authority of DoD Directive 5200.1, "Information Security Program," December 13, 1996. It prescribes guidance through examples, on the markings for classified national security information. It supersedes the 1982, 5200.1-PH guide.

The guidance contained is derived from the E.O. 12598, "Classified National Security Information," its implementing instructions, and the marking guide developed by the Information Security Oversight Office. This pamphlet applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

Marking classified information serves several purposes in the Department of Defense. It alerts holders to the presence of classified information, identifying the exact information or portion that needs protection; provides guidance for downgrading and declassification; gives the reason for the initial classification decision; and warns the holders of any special access, controls, or safeguarding requirements. While we can not anticipate every marking situation, this pamphlet provides the basic ground rules that apply to all classified information, regardless of the media used. For specific situational needs, contact your agency's security officer for guidance.

This Pamphlet is effective immediately for use by all the DoD Components. The Heads of the DoD Components may issue supplementary instructions when necessary to provide for unique requirements within their organizations.

Send recommended changes to the Pamphlet to:

Office of the Assistant Secretary of Defense for Command, Control,
Communications, and Intelligence
Director, Security Programs
6000 Defense Pentagon
Washington, DC 20301-6000

The DoD Components may obtain copies of this Pamphlet through their own Publications channels. Approved for public release; distribution unlimited. Authorized registered users may obtain copies of this Publication from the Defense Technical Information Center.

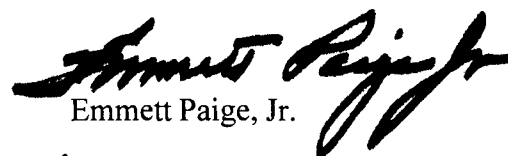

Emmett Paige, Jr.

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Security Reminders

- A. Classification decisions are either original or derived.
- B. Only individuals occupying positions specifically authorized in writing may classify documents originally.
- C. Only individuals with the appropriate security clearance, who are required by their work to generate classified source information, may classify derivatively.
- D. There are three levels of classification, "TOP SECRET", "SECRET" and "CONFIDENTIAL." Do not use other terms, such as "Official Use Only," or "Administratively Confidential," to identify **classified** national security information.
- E. Information shall not be classified for any reason unrelated to the protection of national security.
- F. Classifiers are responsible for assuring that information is appropriately classified and properly marked. The proper markings include declassification instructions.
- G. To have access to classified information, a person must have a security clearance at an appropriate level, a signed SF 312, "Classified Information Nondisclosure Agreement," and the "need-to-know."
- H. Individuals who believe that information in their possession is inappropriately classified, or inappropriately unclassified, are expected to bring their concerns to the attention of their security manager or the classifier of the information for resolution.
- I. Classified information shall not be discussed or read in public places. It should not be left unattended, even for a short time in automobiles, hotel rooms, private residences or public lockers. Only approved security containers are authorized for storage.
- J. Classified information shall not be discussed on non-secure telephones. "Talking around" is a dangerous practice and does not provide adequate protection to classified national security information.
- K. Notes, rough drafts, informal working papers, and other preliminary documents must be handled and destroyed as classified information. This is especially important with computer generated documents that often go through several revisions. Apply the markings as the document is being created.

SECTION 1 - Marking "Originally Classified" Documents



SECRET — 1.b.

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

date

MEMORANDUM FOR DASD (I&S)

1.a.

1.a.

SUBJECT: Classification Markings (U)

1. (U) This is an example of a document that contains originally classified information. Standard markings are required for all documents as shown here. These markings include:

a. (U) Portion marking(s) for each section of a document to reflect the classification of the information. When using subsections such as shown here, individual markings are used. When subsections are not marked, the information is protected at the level of protection shown by the overall section.

b. (U) Overall markings conspicuously using larger font size or bold.

c. (U) A "Classified by" line that includes the name or personal identifier and position of the originator.

d. (S) A reason for classification as shown on page 8 of this guide.

e. (U) A "Declassify on" line that indicates the following:

- (1) The date or event for declassification not to exceed 10 years.
- (2) The date that is 10 years from the date of the original decision.
- (3) An extension beyond the initial 10 years of classification.
- (4) An authorized and applicable exemption category(ies) as described on page 10 of this guide.

2. (S) If this paragraph contained "Secret" information, the portion would be marked with the designation "S" in parentheses. If the paragraph contained "Confidential" information, the portion would be marked with the designation "C" in parentheses.

Classified by:

Emmett Paige, Jr.

1.c.

ASD(C3I)

1.d.

Reason:

1.5 (a) and (d)

1.e.

Declassify on:

December 31, XXXX

SECRET

Note: A line followed by a reference number, throughout this pamphlet, cites the paragraph number found on the same page.

Portion Markings and Overall Classification Marking



SECRET — 3.

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

date

MEMORANDUM FOR DASD (I&S)

1. SUBJECT: Portion Markings and Overall Classification Marking (U) — 1.

1. (U) The first step in marking a document is to identify the classification level of each portion contained in the document. This includes each paragraph, subjects, and titles. Only by identifying the proper classification for each portion can the overall classification level be determined.

a. (U) The three sample paragraphs shown here contain "Unclassified," "Secret," and "Confidential" information, respectively. Portion markings consist of the letters "(U)" for unclassified, "(C)" for "Confidential," "(S)" for "Secret," and "(TS)" for "Top Secret."

b. (U) These abbreviations are placed, in parentheses, before the portion, or after the title to which they apply.

c. (U) Whenever possible, use an unclassified title or subject line. If a classified title and/or subject is necessary, follow it with a short, unclassified title.

1.&2.

2. (S) The second step in classifying a document is determining the overall classification of the document. The overall classification is determined by the highest classification level of information contained in the document. In the example shown here, "Secret" is the highest level of classification. This is paragraph 2. If it were to contain "Secret" information, this portion would be marked with the designation "S" in parentheses.

3. (C) "Conspicuously" place the overall classification at the top and the bottom of the page. This is paragraph 3. If it were to contain "Confidential" information, this portion would be marked with the designation "C" in parentheses.

Classified by: Emmett Paige, Jr., ASD(C3I)
Reason: 1.5 (a) and (d)
Declassify on: December 31, XXXX

SECRET

Portion Markings and Overall Classification Marking

SECRET — 4.

4. (U) Mark each internal page with the overall classification, or with the highest classification level of information contained on that page.

5. (S) This is paragraph 5. If it were to contain "Secret" information, this portion would be marked with the designation "S" in parentheses.

SECRET

UNCLASSIFIED

4. (U) When using overall marking on every page of a document, ensure that extracts of the document are remarked to reflect actual classification and source description.

5. (U) This is paragraph 5. If it were to contain "Unclassified" information, this portion would be marked with the designation "U" in parentheses.

UNCLASSIFIED

SECRET

4. (U) This is paragraph 4. It is an unclassified paragraph and is therefore marked with a "U" as other portions on this page are classified. Should this paragraph be used to create another document, the information taken from this paragraph from this page would remain unclassified.

5. (S) This is paragraph 5. Should this paragraph contain "Secret" information, this portion would be marked with the designation "S" as indicated at the beginning of this paragraph. The overall classification on this page is marked "Secret" because this paragraph contain Secret information, which is the highest

SECRET

9

SECRET

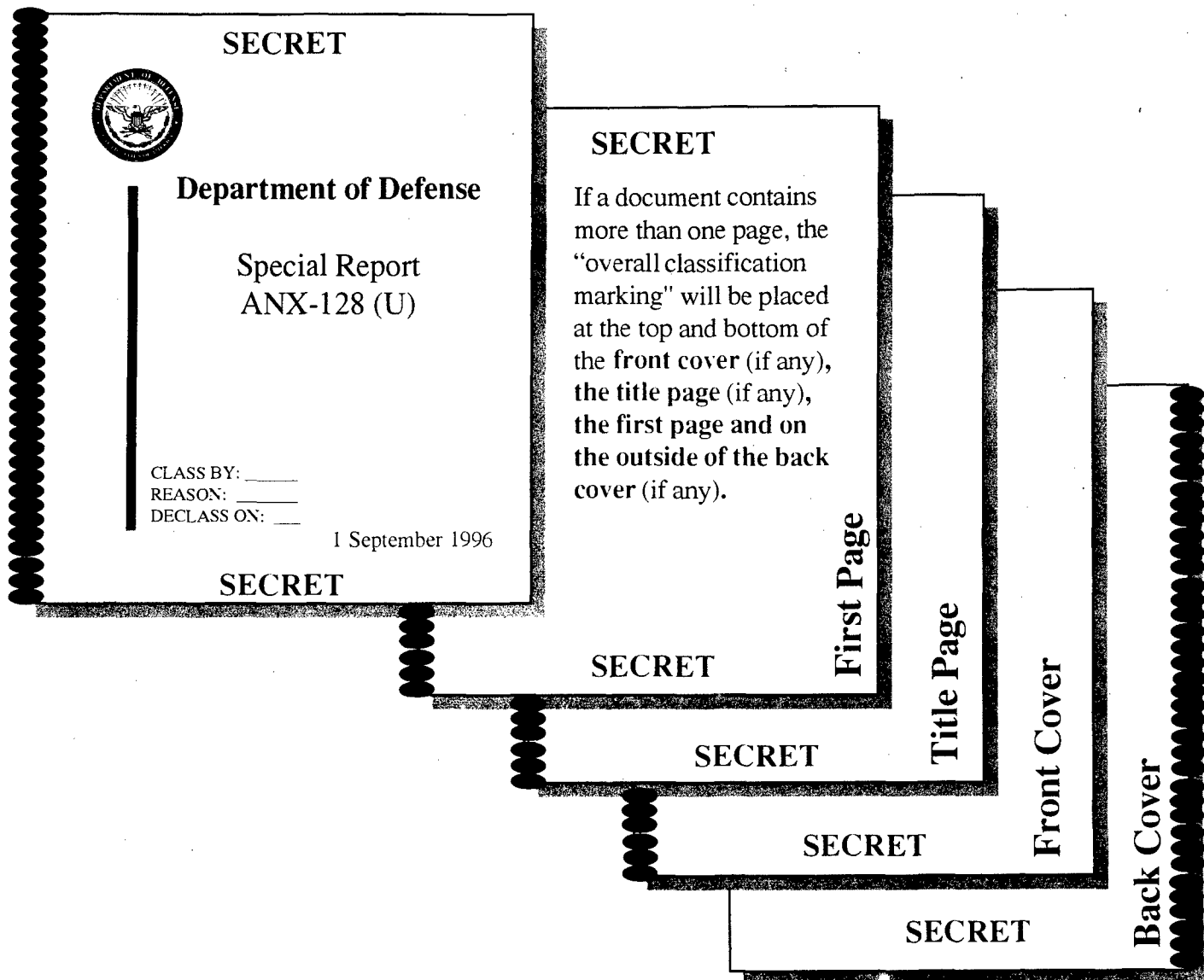
(S) level of classification contained on the page. When a classified or unclassified paragraph is too long and must be carried over to another page, the classification MUST be carried forward as well.

6. (U) This is paragraph 6. If it were to contain only "Unclassified" information, this portion would be marked with the designation "U" in parentheses.

SECRET

10

Portion Markings and Overall Classification Marking



"Classified by" and "Reason for Classification" Line



SECRET

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

MEMORANDUM FOR DASD (I&S)

31 August 1996

SUBJECT: "Classified by" Line (U)

1. (S) The third step in properly marking a document is to annotate the original classification authority on the document. This is accomplished by placing the original classification authority on the "Classified by" line. The "Classified by" line should include the name or personal identifier of the actual classifier and their position. If the identification of the originating agency is not apparent on the face of the document, place it *below* the "Classified by" line.

2. (U) Each original classification decision shall state a reason for classifying. Classification may be applied only to information described in the following categories as specified in section 1.5 of Executive Order 12958, "Classified National Security Information" are:

- a. (U) Military plans, weapons systems or operations.
- b. (U) Foreign government information.
- c. (U) Intelligence activities (including special activities), intelligence sources or methods, or cryptology.
- d. (U) Foreign relations or foreign activities of the U.S., including confidential sources.
- e. (U) Scientific, technological, or economic matters relating to the national security.
- f. (U) U.S. Government programs for safeguarding nuclear materials or facilities.
- g. (U) Vulnerabilities or capabilities of systems, installations, projects or plans relating to the national security.

3. (U) The original classifier shall identify a concise reason for classification which, at a minimum cites the applicable classification categories in section 1.5 of E.O. 12958 as the basis for classification. Original classifiers must ensure that the exemption category selected is consistent with the reason for classification cited on the document.

Classified by: Emmett Paige, Jr., ASD(C3I) — 1. 2.&3.
Reason: Military Plans; Foreign Relations — 3.
OR
Reason: 1.5 (a) and (d) — 3.
Declassify on: December 31, XXXX

SECRET

“Declassify on” Line

The final essential marking indicates the duration of classification. This information is placed on the “Declassify on” line. When determining the duration of classification, choose one of the following three declassification instructions: (Whenever possible, select the declassification instruction that will result in the shortest duration of classification.)

1. Date or Event

When possible, identify the date or event for declassification which corresponds to the lapse of the information’s national security sensitivity. The date or event shall not exceed 10 years from the date of the original classification

OR

2. Ten Year Duration

When a specific date or event cannot be determined, identify the date that is 10 years from the date of the original classification

OR

3. Exemptions from the Ten Year Rule

If the information has been determined exempt from declassification at 10 years by the original classifier, place the letter “X” plus a brief recitation of the exemption category(ies) OR the letter “X” plus the corresponding number to that exemption category(ies) in section 1.6(d) of Executive Order 12958.

See next page for a list of these exemption categories

Classified by: Emmett Paige, Jr.
ASD(C3I)

Reason: 1.5(a) and (d)

Declassify on: December 31, 2002
or
Declassify on: Completion of Operation

September 1, 1995
(Date of original classification)

Classified by: Emmett Paige, Jr.
ASD(C3I)

Reason: 1.5(a) and (d)

Declassify on: September 1, 2005

Classified by: Emmett Paige, Jr.
ASD(C3I)

Reason: 1.5(a) and (d)

Declassify on: X-Damage Relations
or
Declassify on: X6

Section 1.6(d) "Exemption Categories"
Exemption from 10-year Declassification

- X1.** Reveal an intelligence source, method, or activity, or a cryptologic system or activity.
- X2.** Reveal information that would assist in the development or use of weapons of mass destruction.
- X3.** Reveal information that would impair the development or use of technology within a United States weapons system.
- X4.** Reveal United States military plans or national security emergency preparedness plans.
- X5.** Reveal foreign government information.
- X6.** Damage relations between the United States and a foreign government, reveal a confidential source, or seriously undermine diplomatic activities that are reasonably expected to be ongoing for a period greater than 10 years.
- X7.** Impair the ability of responsible United States Government officials to protect the President, the Vice President, and other individuals for whom protection services, in the interest of national security, are authorized.
- X8.** Violate a statute, treaty or international agreement.

Working Papers

Working papers are documents and material accumulated or created in the preparation of finished documents and material. Working papers containing classified information shall be:

1. Dated when created.
2. Marked with the highest classification of any information contained therein.
3. Protected in accordance with the assigned classification.
4. Accounted for, controlled, and marked in the manner prescribed for a finished document of the same classification when retained more than 180 days from date of origin or released by the originator outside the activity. This requirement extends to all classification levels.

Information Transmitted Electronically

Information transmitted electronically, and retained as permanent records, must be marked, as would any other classified document, with the following special provisions:

1. The first item in the text must be the overall classification of the information.
2. For information printed by an automated system, overall and page markings may be applied by the system, provided they stand out conspicuously from the text. In older systems, this may be achieved by surrounding the markings with asterisks or other symbols.
3. Properly completed "Classified by" and "Reason" lines or "Derived from" line, declassification instructions, and downgrading instructions (when appropriate) must be included in the last line. Declassification and downgrading instructions shall not be used for information containing Restricted Data or Formerly Restricted Data.
4. The following abbreviations may be used:

"CLASS" for "Classified by"

"RSN" for Reason (only necessary for originally classified information)

"DECL" for "Declassify on"

"DERV" for "Derived from"

"DNG" for "Downgrade to"

See example of an electronically transmitted message on the next page.

JOINT MESSAGE FORM										SECURITY CLASSIFICATION SECRET	
Page	DTG RELEASE TIME			PRECEDENCE		CLASS	SPECAT	LMF	CIC	ORIG MSG IDENT	
	DATE TIME	MONTH	YR	ACT	INFO						
01 of 01	011730Z	JUN	96	PP		SSSS					
BOOK	MESSAGE HANDLING INSTRUCTIONS										
FROM: JCS WASHINGTON DC//J3// TO: SECDEF WASHINGTON DC S E C R E T SUBJ: PREPARATION OF DD FORM 173, "JOINT MESSAGE FORM" (U) REF DOD 5200.1-R 1. (U) THE THREE LEVELS OF CLASSIFICATION ARE DOUBLE SPACED WHEN TYPED ON THE CLASSIFICATION LINE. 2. (S) PORTION MARKING REQUIREMENTS FOR MESSAGES ARE THE SAME AS FOR OTHER DOCUMENTS. 3. (C) THE "CLASSIFIED BY" OR "DERIVED FROM" LINE MUST BE INCLUDED IN THE LAST LINE OF THE MESSAGE. 4. (U) DECLASSIFICATION MARKINGS ARE ABBREVIATED ON THE DD FORM 173 AS FOLLOWS - A SPECIFIC DATE FOR DECLASSIFICATION (I.E. AUGUST 31, 1996), IS SHOWN AS "DECL 31 AUG 96"; A SPECIFIC EVENT FOR DECLASSIFICATION, (I.E. THE COMPLETION OF AN OPERATION) IS SHOWN AS "DECL COMPLETION OF OPERATION". DERV SCG 123, DECL 31 AUG 96											
DISTR											
DRAFTER TYPED NAME TITLE OFFICE SYMBOL PHONE						SPECIAL INSTRUCTIONS					
COL J.K. LAUER DH COMPTROLLER 57040 1 JUN 96											
RELEASE	TYPED NAME TITLE OFFICE SYMBOL AND PHONE					SECURITY CLASSIFICATION SECRET					
	O.D. SEE BG, USA										
SIGNATURE						DATE TIME GROUP					

SECTION 2 - Marking "Derivatively Classified" Documents

SECRET

ABC Battalion Report (U)

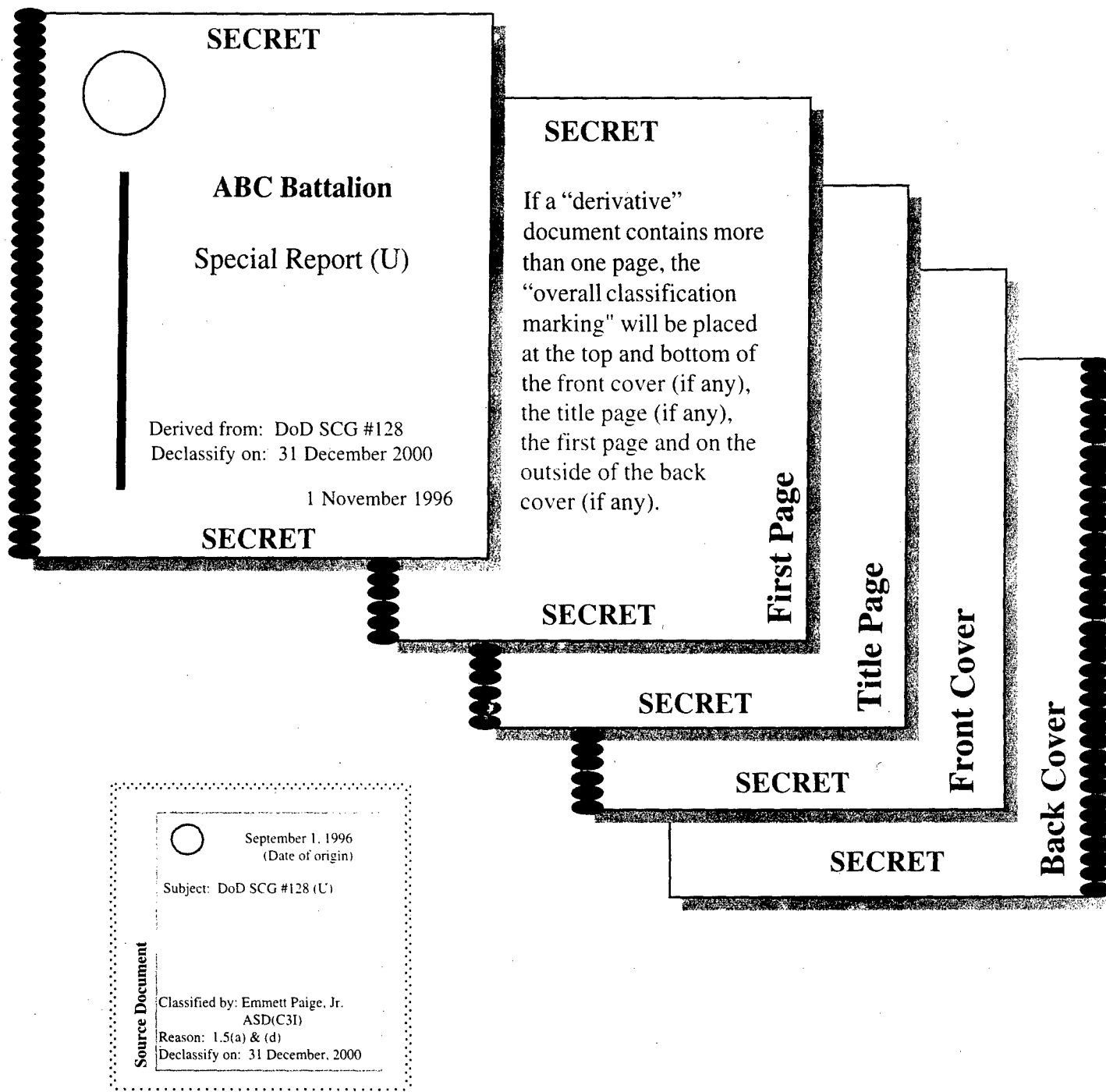
Derivatively Classifying From a Source Document and Portion Markings (U)

1. (S) Derivative classification is the act of incorporating, paraphrasing, restating, or generating in new form, information that is already classified, and marking the newly developed material consistent with the markings of the source information. The source information ordinarily consists of a classified document or documents, or a classification guide issued by an original classification authority. **This paragraph contains incorporated information taken from the second paragraph of a source document, a paragraph marked "Secret." Therefore, this paragraph is marked with an "S."** This, "derivative" document contains no other classified information. Therefore, portion mark all other portions with a "U."
2. (U) When using a classified source document as the basis for derivative classification, the markings on the source document determine the markings to be applied to the derivative document.
 - (a) (U) As with documents created by original classifiers, each derivative document must have portion markings and overall classification markings.
 - (b) (U) The "Classified by" line is replaced with a "Derived from" line. The "Reason" line, as reflected in the source document(s) or classification guide, is not required to be transferred to the derivative document. Examples are on pages 14 and 15 of this guide.

SECRET
1 September, 1996
Special Report--ANX-128 (U)
1. (U) This is paragraph 1 which contains "Unclassified" information. This portion will therefore be marked with the designation "U" in parentheses.
2. (S) This is paragraph 2 which contains "Secret" information. This portion will therefore be marked with the designation "S" in parentheses.
Classified by: Emmett Paige, Jr. ASD(C3I)
Reason: 1.5 (a) and (d)
Declassify on: December 31, 2000
SECRET

SECRET

Portion Markings and Overall Classification Marking of a Derivative Document



“Derived from” and “Declassify on” Line



SECRET

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

MEMORANDUM FOR DASD (I&S)

26 June 1996

SUBJECT: “Derived from” and “Declassify on” Line (U)

1. (U) Identify the source used as the basis for classification on the “Derived from” line of the derivative document
2. (S) The “Declassify on” line of the source document is carried forward to the “Declassify on” line of the derivative document. This is paragraph 2. If it were to contain “Secret” information, this portion would be marked with the designation “S” in parentheses.
3. (U) When the “Declassify on” line of the source document is marked “Originating Agency’s Determination Required” or “OADR”, mark the “Declassify on” line of the derivative document to indicate:
 - a. (S) The fact that the source document is marked “OADR.”
 - b. (U) The date of origin of the source document.
4. (U) This marking will permit future determination when classified information becomes 25 years old. If the information is determined to be of permanent historic value, provisions of the automatic declassification program (section 3.4 of E.O. 12958) apply.

Derived from: ASD(C3I) Memorandum
Subj: Classification Markings (U)
Declassify on: Source document marked “OADR”
Date of source 6/25/94

Source Document
June 25, 1994 (Date of origin)
Subject: Classification Markings (U)
Classified by: ASD(C3I) Declassify on: OADR*

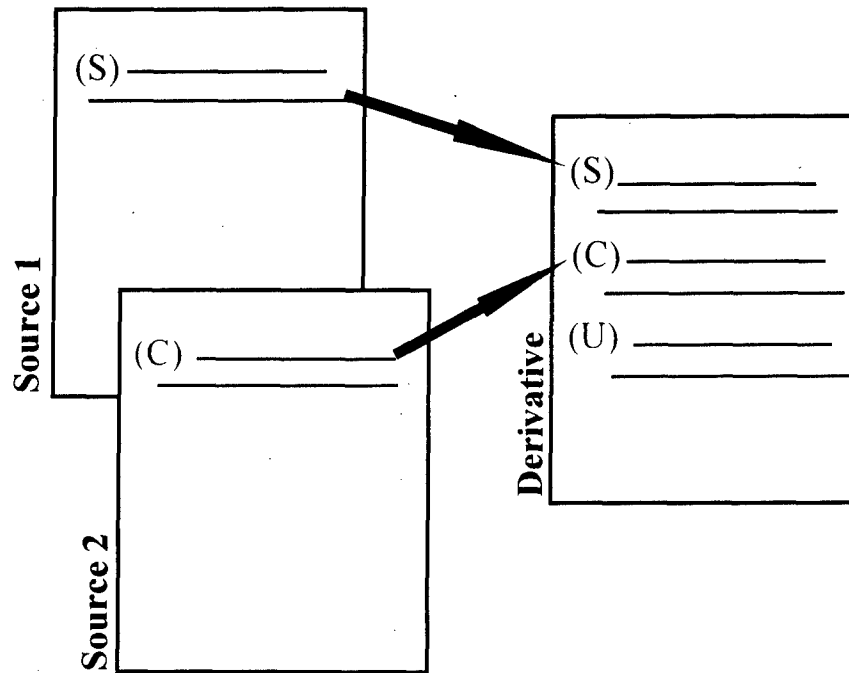
SECRET

Note: “OADR” is not an approved marking for documents originally classified under E.O. 12958.

Derivatively Classifying From Multiple Sources

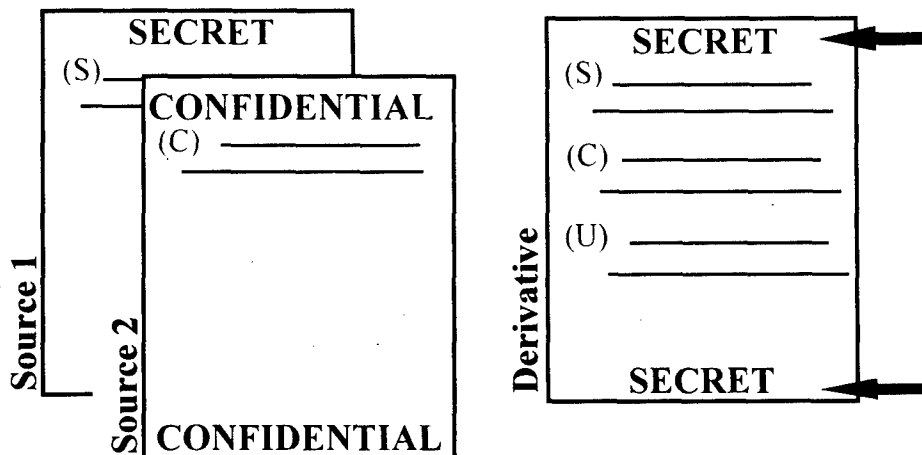
Portion Marking

When using more than one classified source document in creating a derivative document, portion mark the classified information incorporated in the derivative document with the classification level indicated on the source documents. In the example shown, paragraph one of the derivative document incorporates "Secret" information from paragraph one of Source 1 and paragraph two of the derivative document incorporates "Confidential" information from paragraph one of Source 2. The remainder of the derivative document is "Unclassified".



Overall Classification Marking

The derivative document will be conspicuously marked at the top and bottom with the highest classification level of information found in any portion of the document. The overall classification shown here is "Secret." If the derivative document contains more than one page, each page will be marked with an overall marking. (Refer to page 6 for review.)




“Derived from” Line

Enter “Multiple Sources” on the “Derived from” line of the derivative document to indicate that more than one classified source was used.

Source 1	(S)	Source 2	(C) _____	Derivative	(S) _____
	Classified by: ASD(C3I) Reason: 1.5(d) Declassify on: X6		Classified by: SECDEF Declassify on: OADR		(C) _____
					Derived from: Multiple Sources Declassify on: -----


Source document Marked “Multiple Sources”

A source document that is itself marked “Multiple Sources” presents a special problem in identifying that document on the “Derived from” line of the new document. The “Multiple Sources” notation will not be carried forward to the new document as the actual sources of classification could not be traced. Instead, identify the source document by originator, date and subject on the “Derived from” line of the derivative document.

	SECRET
OFFICE OF THE SECRETARY OF DEFENSE WASHINGTON, DC	
MEMORANDUM FOR DASD (I&S) July 25, 1995	
SUBJECT: Security Awareness of Classification Markings (U)	
<p>1. (S) This is paragraph 1 which contains “Secret” information. This portion will therefore be marked with the designation “S” in parentheses.</p> <p>2. (U) This is paragraph 2 which contains “Unclassified” information. This portion will therefore be marked with the designation “U” in parentheses.</p>	
ASD(C3I)	
Classified by:	Multiple Sources
Declassify on:	OADR
SECRET	

Derivative Document used as a Source Document

Prior to E.O. 12958, all documents carried a “Classified by:” line.

	SECRET
DEFENSE INVESTIGATIVE SERVICE	
(S) _____	
(S) _____	
<p>Derived from: ASD(C3I) Memo; Subject: Security Awareness of Classified Markings (U)</p> <p>Declassify on: Source marked OADR dated July 25, 1995</p>	
SECRET	

Derivative Document

Identification of all classified sources

Maintain the identification of all classified sources with the file or record copy of the derivative document. If practicable, include the list with all copies of the derivative document.

Official File Copy

Derived from: Multiple Sources

Source 1: ASD(C3I) Memo dtd

Oct 15, 95; Subj: _____

Declassify on: X-6

Source 2: SECDEF Memo dtd


July 1, 94; Subj: _____

Declassify on: OADR

"Declassify on" Line

Prior to marking the Derivative document with the "Declassify on" Line, determine which source document requires the longest period of classification. Once that has been determined, the derivative document should reflect the longest period of classification as indicated here.

(To review declassification instructions, classification duration and/or exemptions, see pages 9 and 10)

	SECRET OFFICE OF THE SECRETARY OF DEFENSE WASHINGTON, DC Oct. 15, 1995 MEMORANDUM FOR DASD (I&S) SUBJECT: Security Awareness of Classification Markings (U) (S) This is paragraph contains "Secret" information. This portion will therefore be marked with the designation "S" in parentheses. Classified by: Emmett Paige, Jr., ASD(C3I) Reason: 1.5(a) Declassify on: X6 SECRET
---	--

Source 1

Classified by: SECDEF
Declassify on: OADR

SECRET

Source 2

Jul 1, 1994

SECRET (S) _____ _____ (S) _____ _____ Declassify on: X-6 SECRET
--

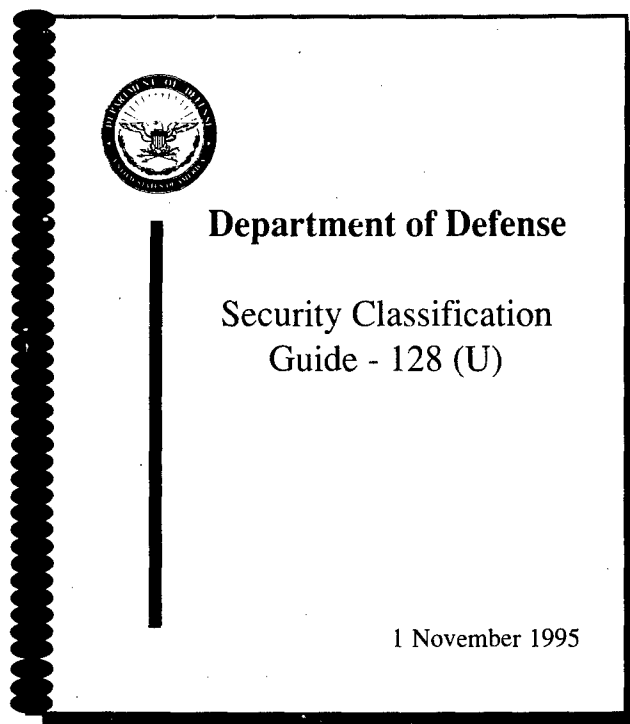
Derivative: Since both documents have indefinite declassification instructions, use the declassification instructions with the longest period of classification.

Derivatively Classifying from a Classification Guide

A classification guide is a document issued by an original classification authority that provides derivative classification instructions. It describes the elements of information that must be protected, and the level and duration of classification

Sample page from the sample guide

Department of Defense Security Classification Guide			
Subject	Classification Instructions		
	Level	Reason	Duration
1. Program Planning	U		
2. Program Progress	U		
3. Technical Scope	C	1.5(a)	4/15/05
4. Vulnerability	S	1.5(g)	x-3
5. Limitations	U		



Portion Markings

Paragraph 1 of this derivative document contains information that paragraph 3 of the classification guide specifies shall be classified "Confidential." Following the guidelines of the Classification Guide, the first paragraph has been marked with a "C." All other portions are unclassified, as indicated in the Classification Guide, and are marked appropriately with a "U."

Overall Classification Marking

Conspicuously mark the overall classification at the top and bottom of the derivative document. As shown here, the highest classification level is "Confidential."

Derivative

CONFIDENTIAL	
Title (U)	
(C)	This paragraph includes information about technical scope .
(U)	This paragraph includes information on program planning .
(U)	This paragraph includes information on program progress .
Derived from:: Scty Class Guide #128	
Dated: 11/1/95	
Declassify on: April 15, 2005	
CONFIDENTIAL	

SECTION 3 - Marking Special Types of Information and Material

Classification Extensions



SECRET

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

MEMORANDUM FOR DASD (I&S)

26 August 1996

SUBJECT: Classification Extensions (U)

1. (U) An original classification authority may extend the duration of classification for successive periods not to exceed ten years at a time. For information contained in records determined to be permanently valuable, multiple extensions shall not exceed 25 years from the date of the information's origin.
2. (S) Revise the "Declassify on" line to include the new declassification instructions, and the identity of the person authorizing the extension and the date of the action.
3. (U) Reasonable attempts should be made to notify all holders of a classification extension.

Classified by: Emmett Paige, Jr.
ASD(C3I)

Reason: 1.5 (a) and (d)

Declassify on: **December 31, XXXX**

Classification extended on Dec. 1, XXXX until Dec. 1, 2010 by William S. Cohen, SECDEF

SECRET

Foreign Government Information



SECRET

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

MEMORANDUM FOR DEPSECDEF

27 March 1996

SUBJECT: Foreign Government Information (U)

1. (U) The U.S. Government affords protection to information provided by foreign governments. Care must be taken to identify the source of the information.
2. (FGI-C) Mark the portions that contain the foreign government information to indicate the country of origin and the classification level. Substitute the words "Foreign Government Information" or "FGI" where the identity of the specific government must be concealed. The identity of the concealed foreign source in this example must be maintained with the record copy and adequately protected.
3. (UK-S) This paragraph contains information marked "Secret" by the government of United Kingdom. The "Derived From" citation should cite the title of the document provided. Declassification date, event, or exemption category is carried forward, if known.

**Derived from: FGI Source Document or
Identify Foreign Government
Source Document data _____**

Declassify on: X5, FGI

When the identity of the country must be concealed, substitute "Foreign Government Information (FGI)" for the name of the specific country and note the country in the record copy of the document.

SECRET

Include the following statement at the bottom of documents containing classified foreign government information: "This document contains (country of origin) Information." Routine correspondence, such as this memorandum, does not require this statement.

Letters of Transmittal



SECRET

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

MEMORANDUM FOR DASD (I&S)

August 27, 1996

SUBJECT: Letters of Transmittal

1. Information in transmittal letters are marked on the basis of content. Frequently, unclassified transmittal letters have classified attachments. The overall marking on the transmittal letter must reflect the highest classification of its attachments.
2. Conspicuously mark an unclassified transmittal document with the **highest classification level of any information transmitted by it**. Also mark the transmittal document with an appropriate instruction indicating that it is unclassified when separated from classified enclosures, as shown here.

Joseph Smith
OASD(C3I)

Attachments: ^{1.}

1. **Secret** C3I memorandum, dated _____ subj: _____
2. Memo dated _____

Unclassified when separated from classified enclosures ^{2.}

SECRET ^{2.}

Letters of Transmittal



SECRET

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

MEMORANDUM FOR DEPSECDEF

August 31, 1996

SUBJECT: Letter of Transmittal With Classified Information (U)

1. (U) If the transmittal document itself contains classified information, mark it as required for all other classified information, except:
 - a. (U) Conspicuously mark the top and bottom of the transmittal document with the **highest classification level of any information contained in the transmittal document or its enclosures**;
 - b. (C) Mark the transmittal document with an appropriate instruction indicating its **overall classification level when separated from its enclosures as shown in this example**.
2. (U) The derived from line reflects the decision applied to the transmittal letter. Page 23 of the Security Classification Guide-123 requires the paragraph above to be Confidential.
3. (U) In this example, the Attachment is classified SECRET. Therefore, the overall classification of this particular transmittal letter is marked "SECRET".

Emmett Paige, Jr.
ASD(C3I)

Attachment

Secret memo dtd _____ subj _____

Derived from: SCG-123 ——— 3.
Declassify on: December 31, XXXX

Downgrade to Confidential when separated from Secret enclosure ——— 1.

SECRET ——— 3.

Atomic Energy Information



SECRET

Restricted Data

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

MEMORANDUM FOR DEPSECDEF

August 31, 1996

SUBJECT: Atomic Energy Act of 1954 (U)

1. (S-RD) Documents containing "Restricted Data" or "Formerly Restricted Data" as defined by the Atomic Energy Act of 1954, should have abbreviated markings ("RD" or "FRD") included with the classification marking (S-RD).

a. (S-FRD) This paragraph contains "Secret" Formerly Restricted Data only. RD markings will not be applied.

b. (S-RD)(N) Critical Nuclear Weapon Design Information (CNWDI) shall be marked with an "N" in separate parentheses following the portion marking.

3. (U) Special warning notices are applied to RD, FRD, and CNWDI. If a document combines both as depicted here, only the RD warning notice is affixed. No declassification instructions are used.

Joseph Smith
OASD(C3I)

Attachment

Derived from: DoE CG-W5
(identify the classifier)

Restricted Data
SECRET

Warning notice

Warning Notices:

RESTRICTED DATA.

This document contains RESTRICTED DATA as defined in the Atomic Energy Act of 1954. Unauthorized disclosure subject to administrative and criminal sanctions.

FORMERLY

RESTRICTED DATA.

Unauthorized disclosure subject to administrative and criminal sanctions. Handle as RESTRICTED DATA in foreign dissemination; Section 144b, Atomic Energy Act of 1954.

CNWDI

Critical Nuclear Weapon Design Information-DoD Directive 5210.2 applies.

E.O. 12958 does not apply to "Restricted Data" or "Formerly Restricted Data." This example shows how to integrate Restricted Data and Formerly Restricted Data into a DoD-generated document. The Department of Defense does not originate RD or FRD; therefore, all documents should reflect "derived from:" byline. In this example, we are citing a Joint DoD and DoE classification guide published by the Department of Energy. For additional guidance, see your security officer.

Classification by Compilation



CONFIDENTIAL

OFFICE OF THE SECRETARY OF DEFENSE
WASHINGTON, DC

MEMORANDUM FOR DASD (I&S)

August 31, 1996

SUBJECT: Classification By Compilation (U)

1. (U) When a document consisting of individually unclassified items of information is classified by compilation, the overall classification shall be marked conspicuously at the top and bottom of each page and the outside of the front and back covers (if any). An explanation of the basis for classification by compilation shall be placed on the face of the document or included in the text.
2. (U) If portions, standing alone, are unclassified, but the document is classified by compilation or association, mark the portions "U" and the document and pages with the classification of the compilation. You must also add an explanation of the classification or the circumstances involved with association.
3. (U) If individual portions are classified at one level, but the compilation is a higher classification, mark each portion with its own classification, and mark the document and pages with the classification of the compilation. An explanation of the classification by compilation is required.

Emmett Paige, Jr.
ASD(C3I)

Attachment

Derived from: CONOP #123. The compilation of unclassified training schedules reveals the impending initial operational capability (IOC) of this unit. CONOP #123 requires that unit IOC be classified
CONFIDENTIAL.

Declassify on: Completion of Operation
OR

Classified by: ASD(C3I)
Reason: Compilation of unclassified Training schedules for specific contingency plan is CONFIDENTIAL
Sect. 1.5(a).

Declassify on: August 31, 2001

CONFIDENTIAL

Special Access Programs

1. "Special Access Programs" (SAPs) are established IAW Chapter 8, DoD 5200.1-R, "Information Security Program Regulation." SAPs are created only when absolutely necessary to protect the Nation's most sensitive and critical information or when required by statutes. Establishment shall be consistent with law, policy, and regulations, and be based on a determination that the threat and/or vulnerability (e.g. sensitivity or value of the information) warrants enhanced protection.
2. Any DoD program or activity employing enhanced security measures exceeding those normally required for information at the same classification level shall be established, approved, and managed as a DoD SAP. Examples of such enhanced security measures include the following:
 - a. use of any special terminology, including code words, other than an unclassified nickname, to identify or control information dissemination;
 - b. personnel security investigative or adjudicative requirements more stringent than those required for a comparable level of classified information;
 - c. specialized non-disclosure agreements;
 - d. exclusion of a classified contract (use of carve-out); or
 - e. a central billet system to control the number of personnel authorized access.
3. All DoD programs which operate under the above enhanced procedures are considered to be SAPs, including (i) Programs managed under special delegation authorities previously approved by the Secretary of Defense or Deputy Secretary of Defense; (ii) Programs sponsored by other departments or agencies, but for which DoD participants manage internal DoD security controls (e.g. DoD-managed subcompartments of larger, non-DoD SAPs; (iii) and Programs conducted in support of, or in cooperation with, other departments, agencies, branches of government, or other governments. SAPs may only be approved by the Secretary of Defense or Deputy Secretary of Defense.
4. All marking provisions previously described in this guide apply to SAPs. Additional markings include: (i) the use of special distribution notices such as "Special Access Required" (SAR); and/or (ii) an assigned program nickname(s) or code word(s)
5. To differentiate a nickname from a code word, remember that:
 - a. A nickname is a combination of two unassociated and unclassified words.
 - b. Nicknames are normally typed in ALL CAPS.
 - c. A code word is a single word assigned a classified meaning by appropriate authority.
 - d. The code word is classified Confidential or higher.
 - e. All nicknames and code words are issued through the DoD Components (usually SAP channels) and strictly controlled.
6. The unclassified examples on the following two pages, depict common markings for SAP documents. The examples are for ILLUSTRATIVE USE ONLY. The format for markings should be adjusted to accommodate software applications and production efficiency. For instance, the examples show the overall classification and nickname/code word in the header and the overall classification and special access requirement in the footer.

SAP "NICKNAMES"

SAPs use nicknames for control of dissemination and "need-to-know." Nicknames are assigned to the program when the SAP is approved. Nicknames are designated by two unassociated words, which are unclassified by themselves (i.e. TWISTED FEATHER).

Paragraph markings in SAP documents should contain the highest classification within the paragraph, and be followed by the SAP digraph.¹

Highest classification and program nickname are conspicuously placed at the top and bottom.

TOP SECRET/TWISTED FEATHER (U)



OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR
POLICY

June 25, 1996

MEMORANDUM FOR SPECIAL ACCESS PROGRAM CENTRAL OFFICES

SUBJECT: Identification and Marking of Classified Documents (U)

1. (U) This paragraph contains "Unclassified" information.
2. (C) This paragraph contains non-SAP national security information.
3. (TS TF) This paragraph contains TOP SECRET information related to the special access program TWISTED FEATHER (U). Portion markings are the same as previously described in this marking guide. The exception is the addition of the nickname digraph following the TS designation.

Richard F. Williams, CPP
Director, Special Programs
ODUSD(P)Policy Support

Classified by: USD(P)
Reason: 1.5 (a) and (d)
Declassify on: December 31, 2000

TOP SECRET/SPECIAL ACCESS REQUIRED²

¹ A SAP digraph or trigraph is a 2 or 3 letter designator given to each SAP. In this example, "TF" shown here represents the nickname "TWISTED FEATHER".

² A nickname, code word, trigraph, and/or digraph may be substituted for the term "SPECIAL ACCESS" Channels. Refer to the SAP Security Procedure Guide for instructions.

SAP Documents

SAP "CODE WORD"

In addition to nicknames, SAPs also use code words for control of dissemination and a "need-to-know". Code words, like nicknames, are assigned to the program when the SAP is approved. A code word is a single word with a classified meaning.

Paragraph markings in SAP documents should contain the highest classification within the paragraph, and be followed by the SAP digraph

Highest classification and program code word are conspicuously placed at the top and bottom



TOP SECRET/CODE WORD (S)

OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY

MEMORANDUM FOR SPECIAL ACCESS PROGRAM CENTRAL OFFICES

SUBJECT: Identification and Marking of Classified Documents (U)

1. (U) This is paragraph 1, which contains "Unclassified" information.
2. (TS CW) This paragraph reflects Top Secret information controlled in the CODE WORD classified program.

Richard F. Williams, CPP
Director, Special Programs
ODUSD(P)Policy Support

Derived from: CODE WORD SCG, dtd _____
Declassify on: December 31, 2000

TOP SECRET/SPECIAL ACCESS REQUIRED

Section 4 - "Other"

Automatic Declassification - The 25-year rule

1. The automatic declassification provision (Section 3.4) of E.O. 12958, requires declassification of information in permanently valuable historical records (as defined by Title 44, U.S. Code) 25 years from the date of original classification, whether or not the records have been reviewed. Subsequently, all classified information in such records shall be automatically declassified no later than 25 years from the date of its original classification, with the certain exceptions outlined in the E.O.
2. Only the Secretary of Defense and the Secretaries of the Military Departments may exempt information from this automatic declassification, and only under certain circumstances. Information exempted from automatic declassification at 25 years remains subject to the mandatory and systematic declassification review provisions.
3. If the record is exempt from 25 year declassification, the following markings are used:
 - a. Site the exemption categories for number or phrase on the "Declass" line

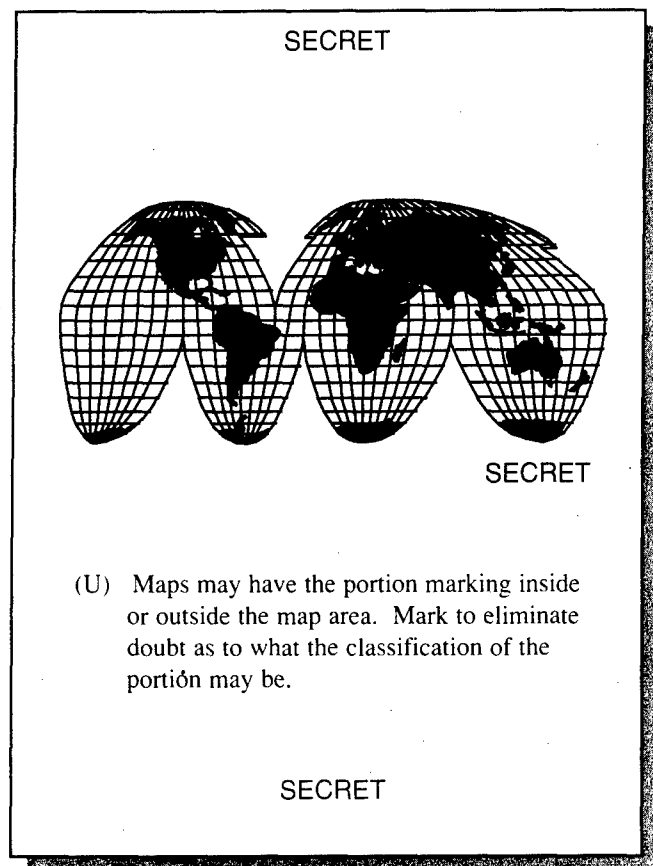
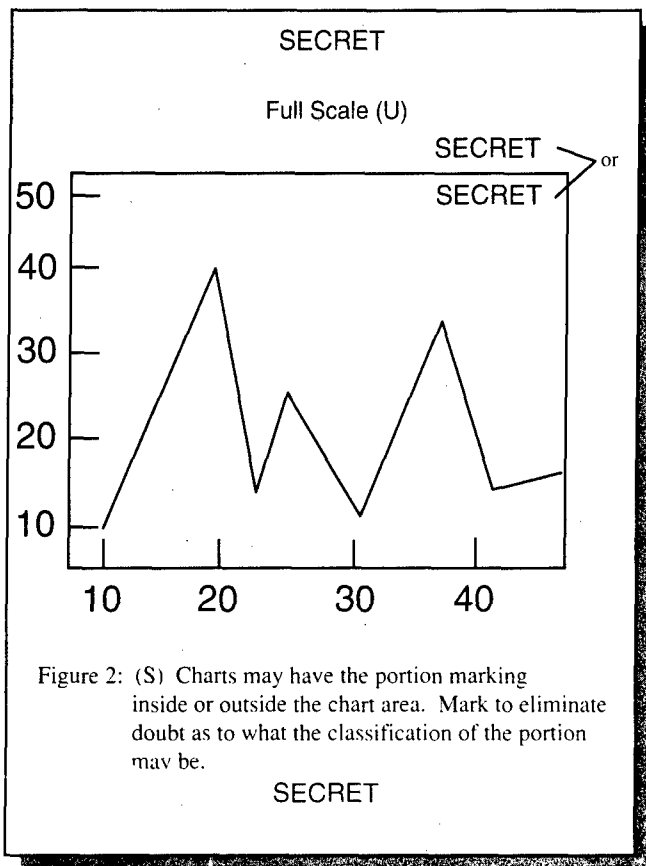
Example: 25X _____
25X, Human Sources
 - b. List a date for "Declass" review

Example: 25X _____
Review 4/15/10
4. Classified information, contained in records that are more than 25 years old, and which have been determined not to have permanent historical value, and are scheduled for disposition in agreement with the National Archives and Records Administration (NARA), is not subject to automatic declassification. Agency retention and destruction requirements apply.
5. Consult your security officer or records manager for additional information.

Marking Information "Other Than" Documents

Charts, maps, equipment, drawings and photographs

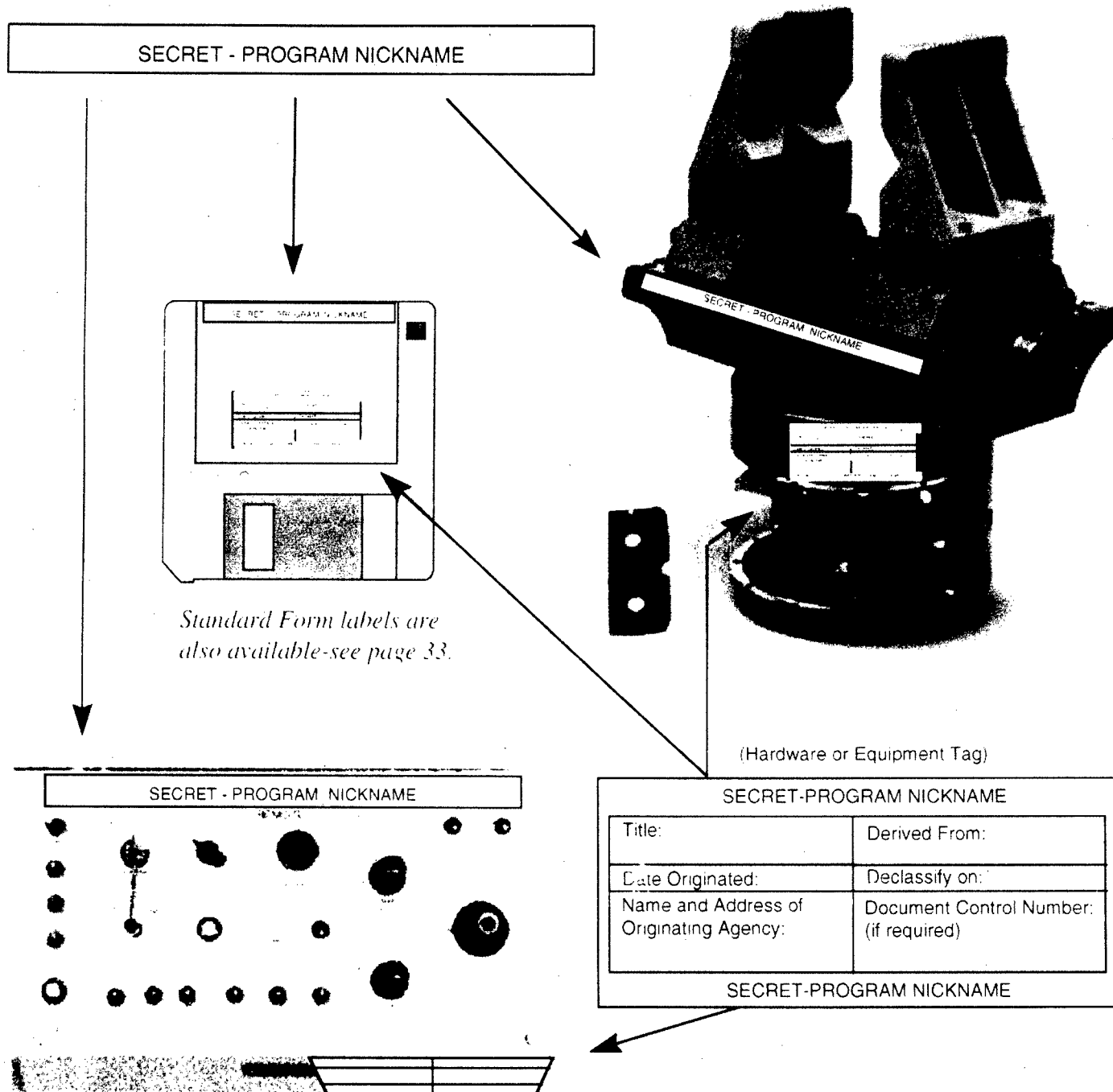
Information must be marked with the highest level of classification regardless of what form that information may take. The next few pages show examples of marking situations to guide you. The principles are the same. Portion marking, overall marking, classification byline and declassification instruction. The legend, title and scale blocks in the following examples are treated as portions of the document. Ensure that the overall classification of the product shows when the item is folded or rolled.



If these pages are part of a classified document, mark as indicated above. When charts and maps are single page documents, include the required associated markings (i.e. Title, Origination Date, "Classified by" line, "Declassify on" line, Name and address of Originating Agency, Overall Classification, and Portion Markings).

Hardware and Equipment

Hardware, software, computers, and equipment must have the required markings applied.



Continuous Form (Fan Folded or Rolled) Documents

Continuous form/fanfold documents are unique documents requiring specialized marking.

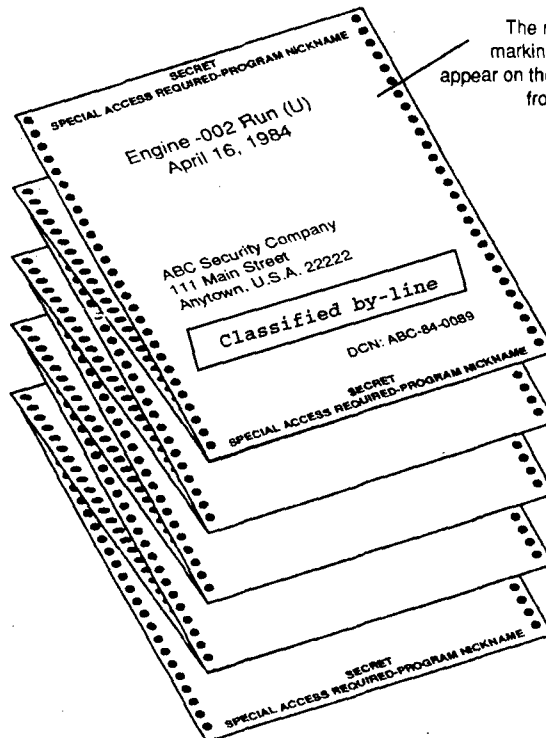
1. Apply the overall classification at the top and bottom of the first and back pages.
2. Apply the required markings on the face page (either the first page or front cover).
3. Apply markings by either computer software, stamps, or other methods.
4. For production efficiency, the overall classification of interior pages may be the overall document classification.
5. Portion markings of individual lines is not required.
6. If separated, title pages must be applied to each document created as a result of breaking continuous form.

Safeguard Statement:

(This optional statement is often applied to these products on the first page)

"HANDLE AS (enter the appropriate classification level) INFORMATION UNTIL REVIEWED BY THE ORIGINATOR OR CLASSIFICATION MANAGER."

Note: The requester of the product determines the actual classification after receipt and may change the classification after review and before storing or taking other accountability actions.



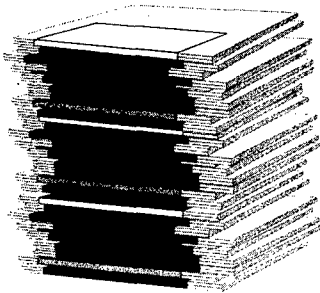
Transparencies, Vu-Graphs, and Slides

SECRET	
Title: _____	Name and Address of Facility of Origin: _____
Date of Orig: _____	
<div style="border: 2px solid black; border-radius: 15px; padding: 10px; margin: 10px auto; width: 80%;"> <p style="text-align: center; font-weight: bold; font-size: 1.2em;">SECRET</p> <p style="text-align: center; padding: 20px 0;">Overall classification, special control notices, and other required security markings must be shown on the image area and also on the border, frame or holder.</p> <p style="text-align: right; font-weight: bold; font-size: 1.2em;">SECRET</p> </div>	
Derived from: _____	SECRET
Declassify on: _____	

Computer Media

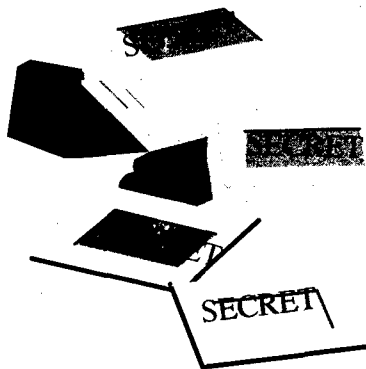
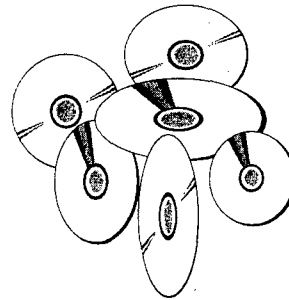
Basic document markings apply to all media.

Computer disc must reflect the highest level of classification contained on the disc. Standard labels should be used for all levels of classification.



SF706 - Top Secret
SF707 - Secret
SF708 - Confidential
SF709 - Classified
SF710 - Unclassified
SF711 - Data Descriptor
SF712 - Classified SCI

No standard form (SF) and/or label(s) exist for Compact Discs (CDs). The SF labels prescribed for removable storage media may be used for the marking of classified CDs and their cases. Classification must be conspicuously marked on the CD case and the CD itself.



Slides must have markings on the slide cover and on the actual image so when the slide is displayed on screen, the classification is clearly identified. Applicable associated markings should be applied to the lead slide.

References

1. Executive Order 12958, "Classified National Security Information," April 17, 1995
2. Office of Management and Budget Implementing Directive to E.O. 12958, October 13, 1995
3. DoD Directive 5200.1, "DoD Information Security Program," December 13, 1996
4. DoD 5200.1-R, "Information Security Program Regulation," January 17, 1997
5. DoD Directive O-5205.7, "Special Access Program (SAP) Policy," January 4, 1989
6. Director of Central Intelligence Directive 1/7, "Security Controls on the Dissemination of Intelligence Information," April 16, 1996
7. Director of Central Intelligence Directive 5/6, "Intelligence Disclosure Policy," draft.
8. DoD Directive 5210.2, "Access to and Dissemination of Restricted Data," January 12, 1978

This guide does not include instructions for the marking of sensitive and/or controlled, unclassified information. Refer to DoD 5200.1-R (Appendix C) for additional information.

Notes:

Security Manager: _____
Telephone: _____

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Tab 9

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Department of Defense DIRECTIVE

NUMBER 5220.22

December 8, 1980

USD(P)

SUBJECT: DoD Industrial Security Program

- References:
- (a) DoD Directive 5220.22, subject as above, December 1, 1976 (hereby canceled)
 - (b) Executive Order 10865, "Safeguarding Classified Information Within Industry," February 20, 1960, as amended by Executive Order 10909, January 17, 1961
 - (c) DoD Directive 5025.1, "Department of Defense Directives System," October 16, 1980
 - (d) DoD Directive 5220.6, "Industrial Personnel Security Clearance Program," December 20, 1976
 - (e) DoD Directive 5122.5, "Assistant Secretary of Defense (Public Affairs)," July 10, 1961

1. REISSUANCE AND PURPOSE

1.1. This Directive reissues reference (a) to implement reference (b) within the Department of Defense; assigns overall responsibility for policy and administration of the Defense Industrial Security Program (DISP); and ensures that classified information released to industry is properly safeguarded.

1.2. This Directive authorizes the following publications to be issued in accordance with the provisions of reference (c):

1.2.1. The Industrial Security Regulation (DoD 5220.22-R). This document prescribes detailed policies and procedures applicable to all user agencies in carrying out their responsibilities under the DISP.

1.2.2. The Industrial Security Manual for Safeguarding Classified

Information (DoD 5220.22-M) and supplements thereto. This document is incorporated by reference into the Department of Defense Security Agreement and is part of the basic contract between the Government and those contractors who require access to classified information.

1.2.2.1. The document also is incorporated by reference into each contract, the performance of which requires access to classified information by the contractor or his or her employees.

1.2.2.2. DoD 5220.22-M prescribes the specific requirements, restrictions, and other safeguards considered necessary in the interest of national security for the safeguarding of classified information.

1.2.3. The Industrial Security Letter. This document, which is issued as needed, provides guidance for industry in carrying out its responsibilities under the DISP.

1.2.4. Industrial Security Bulletin. This document, which is issued as needed, provides guidance to those in Government having responsibilities related to the administration of the DISP.

2. APPLICABILITY

The provisions of this Directive apply to the Office of the Secretary of Defense (OSD), the Military Departments, the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereafter referred to as "DoD Components").

3. POLICY

3.1. As provided in E.O. 10865 (reference (b)), the Secretary of Defense is authorized to prescribe, by regulation, such specific requirements, restrictions, and other safeguards as are considered necessary to protect:

3.1.1. Classified information provided to or within U.S. industry that relates to the bidding on, negotiation, award, performance, or termination of contracts with DoD Components.

3.1.2. Other classified information provided to or within industry that the Department of Defense has responsibility for safeguarding.

3.2. For the purposes of this Directive, U.S. industry includes any industrial, educational, commercial, or other entity and shall be referred to as "industry".

3.3. In addition, the Secretary of Defense is authorized to enter into agreements with any other Department or Agency of the Executive Branch to extend the regulations he prescribes to safeguard classified information provided to industry by these Departments or Agencies (4.1.6., below). Such other Departments and Agencies, as well as DoD Components, shall be referred to in this Directive as "user Agencies."

3.4. The Department of Defense shall set forth policies, practices, and procedures to be followed by user Agencies for the effective protection of classified information provided to industry, including foreign classified information the U.S. Government is obliged to protect in the interest of national security.

3.5. DoD Directive 5220.6 (reference (d)) established the standard and criteria for making security clearance determinations when persons employed in private industry require access to classified information.

3.6. DoD Directive 5122.5 (reference (e)) established the responsibility of the Assistant Secretary of Defense (Public Affairs) for the review of information pertaining to classified contracts before public disclosures by DoD contractors.

4. RESPONSIBILITIES

4.1. The Deputy Under Secretary of Defense (Policy Review) (DUSD(PR)) shall:

4.1.1. Be responsible for overall policy guidance and management oversight of the DISP.

4.1.2. Approve the issuance of changes to DoD 5220.22-M and DoD 5220.22-R.

4.1.3. Develop policies, plans, and programs for the DISP, and approve changes before issuance by the Director, Defense Investigative Service (DIS).

4.1.4. Coordinate with other offices in the OSD, as appropriate, all proposed policies, plans, and programs before referral for issuance by the Director, DIS.

4.1.5. Determine the effectiveness of the operation and administration of the

DISP.

4.1.6. Upon request of other Government Departments or Agencies, under E.O. 10865 (reference (b)), arrange, on behalf of the Department of Defense, to apply the provisions of the DISP to contractors of such Departments or Agencies, and render industrial security services required for the safeguarding of classified information released by such Departments or Agencies to industry. The Director, DIS, shall be kept currently informed of such agreements.

4.2. The Assistant Secretary of Defense (Public Affairs), unless otherwise delegated, shall review and clear information pertaining to classified contracts before public disclosures by DoD contractors. Contractors shall be required, as a contract obligation, to submit information materials described above according to DoD 5220.22-M.

4.3. The Director, Defense Investigative Service, under the general supervision of the General Counsel, DoD, shall administer the DISP as a separate program element on behalf of all DoD Components. In this capacity, the Director, DIS, shall assume security cognizance for all contractors and industrial facilities under the DISP on behalf of the Department of Defense, DoD Components, and user Agencies, and shall provide investigative support, as required, for the administration of the DISP. In addition, the Director, DIS, shall:

4.3.1. Develop appropriate changes to maintain DoD 5220.22-R and DoD 5220.22-M, including supplements thereto, on a current and effective basis. Proposed changes to these documents shall be forwarded to the ODUSD(PR), ATTN: Director, Security Plans and Programs, for preliminary policy review.

4.3.2. Refer proposed changes to DoD 5220.22-R and DoD 5220.22-M to the DUSD(PR), ATTN: Director, Security Plans and Programs and publish changes expeditiously, upon approval by the DUSD(PR).

4.3.3. Prepare, coordinate and publish the Industrial Security Letter and Bulletin on approval by the DUSD(PR), ATTN: Director, Security Plans and Programs.

4.3.4. Present on an annual basis, the James S. Cogswell Award to selected contractors in recognition of sustaining a superior security program for safeguarding classified information.

4.3.5. Budget, fund, and administer the DISP, including the appropriate field

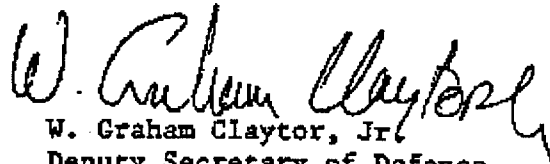
extensions. (The Defense Logistics Agency shall make appropriate funds available to DIS through FY 81.)

4.4. The Heads of DoD Components shall ensure that all their contracts requiring contractor access to classified information come within the purview of the DISP.

4.5. The Secretaries of the Military Departments shall provide counter-intelligence support when requested.

5. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective October 1, 1980. Forward two copies of implementing documents to the Deputy Under Secretary of Defense (Policy Review) within 120 days.


W. Graham Claytor, Jr.
Deputy Secretary of Defense

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Tab 10

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Department of Defense DIRECTIVE

NUMBER 5230.9

April 9, 1996

Administrative Reissuance Incorporating Change 1, July 15, 1999

WHS

SUBJECT: Clearance of DoD Information for Public Release

- References: (a) DoD Directive 5230.9, subject as above, April 2, 1982 (hereby canceled)
- (b) DoD Directive 5110.4, "Washington Headquarters Services (WHS)," May 10, 1999
- (c) DoD Directive 5400.4, "Provision of Information to Congress," January 30, 1978
- (d) DoD Directive 5220.22, "DoD Industrial Security Congress," December 8, 1980
- (e) through (u), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policy and responsibilities for the security and policy review and clearance of official DoD information proposed for official public release by the Department of Defense and its employees under reference (b).

2. APPLICABILITY AND SCOPE

2.1. This Directive applies to:

2.1.1. The Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

2.1.2. All DoD employees.

2.2. For provisions governing review of:

2.2.1. Prepared statements, transcripts of testimony, and other material provided to congressional committees that may be included in the published records, reference (c) applies.

2.2.2. Information before publication or disclosure by DoD contractors, DoD Directive 5220.22 and DoD 5220.22-M (references (d) and (e)) apply.

2.2.3. Release of official information in litigation, DoD Directive 5405.2 (reference (f)) applies.

3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2.

4. POLICY

It is DoD policy that:

4.1. Accurate and timely information is made available to the public, the Congress, and the news media to help the analysis and understanding of defense strategy and national security issues.

4.2. Any official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the Department of Defense shall be reviewed for clearance by appropriate security review and public affairs offices prior to release.

4.3. The public release of official DoD information is limited only as necessary to safeguard information requiring protection in the interest of national security or other legitimate governmental interest, as authorized by references (g) through (t).

4.4. Information released officially is consistent with established national and DoD policies and programs.

4.5. The Inspector General of the Department of Defense, as an independent and

objective office in the Department of Defense, is exempt from the policy review provisions of this Directive. As necessary, information may be submitted for security review prior to public release.

4.6. To ensure a climate of academic freedom and to encourage intellectual expression, students (including midshipmen and cadets) and faculty members (DoD civilian or military) of an academy, college, university or DoD school are not required to submit for review papers or materials that are prepared in response to academic requirements and not intended for release outside the academic institution. Information that is intended for public release or made available in libraries to which the public has access shall be submitted for review. Clearance shall be granted if classified information is not disclosed, the DoD interests in nonclassified areas are not jeopardized, and the author accurately portrays official policy, even if the author takes issue with that policy.

4.7. Retired personnel, former DoD employees, and nonactive duty members of the Reserve components may use the review services to ensure that the information intended for public release does not compromise national security.

4.8. DoD personnel, while acting in a private capacity and not in connection with their official duties, have the right to prepare information for public release through non-DoD forums or media. Such activity is authorized if:

4.8.1. No laws or regulations are violated.

4.8.2. Ethical standards and compliance with DoD Directive 5500.7 and DoD 5500.7-R (references (q) and (r)) are maintained.

4.8.3. The preparation activities are not done during normal duty hours or with the use of DoD facilities, property, or personnel except as authorized by references (q) and (r).

4.8.4. The author does not use official DoD information generally not available to the public and which would not be released under DoD 5400.7-R (reference (m)).

5. RESPONSIBILITIES

5.1. The Director, Washington Headquarters Services, shall:

5.1.1. Monitor compliance with this Directive.

5.1.2. Develop procedures and review guidelines for the security and policy review of information intended for public release in coordination with offices of OSD Principal Staff Assistants.

5.2. The Heads of the DoD Components shall:


5.2.1. Provide prompt guidance and assistance to the *Director, Washington Headquarters Services (WHS)*, when requested, for the security or policy implications of information proposed for public release.

5.2.2. Establish policies and procedures to implement this Directive in their Components.

5.2.3. Forward official DoD information proposed for public release that is determined to require clearance by the *Director, WHS*, to the *Director, Freedom of Information and Security Review*, for review, including recommendation on the releasability of the information being forwarded.

6. EFFECTIVE DATE

This Directive is effective immediately.


John P. White
Deputy Secretary of Defense

Enclosures - 2

1. References, continued
2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD 5220.22-M, "National Industrial Security Program Operating Manual," January 1995, authorized by DoD Directive 5220.22, December 8, 1980
- (f) DoD Directive 5405.2, "Release of Official Information in Litigation and Testimony of DoD Personnel as Witnesses," July 23, 1985
- (g) DoD Directive 5200.1, "DoD Information Security Program," *December 13, 1996*
- (h) DoD 5200.1-R, "Information Security Program Regulation," *January 1997*, authorized by DoD Directive 5200.1, *December 13, 1996*
- (i) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
- (j) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
- (k) DoD Instruction 5230.27, "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987
- (l) DoD Directive 5400.7, "DoD Freedom of Information Act Program," *September 29, 1997*
- (m) DoD 5400.7-R, "DoD Freedom of Information Act Program," *September 1998*, authorized by DoD Directive 5400.7, *September 29, 1997*
- (n) DoD Directive 5400.11, "Department of Defense Privacy Program," June 9, 1982
- (o) DoD 5400.11-R, "Department of Defense Privacy Program," August 1983, authorized by DoD Directive 5400.11, June 9, 1982
- (p) DoD Directive 5205.2, "DoD Operations Security Program," July 7, 1983
- (q) DoD Directive 5500.7, "Standards of Conduct," August 30, 1993
- (r) DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1993, authorized by DoD Directive 5500.7, August 30, 1993
- (s) International Traffic in Arms Regulations (ITAR), Department of State, November 1989
- (t) Executive Order 12958, "Classified National Security Information," April 20, 1995
- (u) Title 10, United States Code

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. DoD Employee

E2.1.1.1. Any DoD civilian officer or employee (including special Government employees) of any DoD Component (including any nonappropriated fund activity).

E2.1.1.2. Any active duty Regular or Reserve military officer, warrant officer, and active duty enlisted member of the Army, Navy, Air Force, or Marine Corps.

E2.1.1.3. Any Reserve or National Guard member on active duty under orders issued pursuant to 10 U.S.C. (reference (u)).

E2.1.1.4. Any Reserve or National Guard member performing official duties, including while on inactive duty for training or while earning retirement points, pursuant to reference (u), or while engaged in any activity related to the performance of a Federal duty or function.

E2.1.1.5. Any faculty member in a civil service position or hired pursuant to reference (u), and any student (including a cadet or midshipman) of an academy, college, university, or school of the Department of Defense.

E2.1.1.6. Consistent with labor agreements and international treaties and agreements, and host country laws, any foreign national working for a DoD Component except those hired pursuant to a defense contract.

E2.1.2. Information. Any communication or representation of knowledge such as facts, data, or opinions in any medium or form.

E2.1.3. Official DoD Information. All information that is in the custody and control of the Department of Defense, relates to information in the custody and control of the Department, or was acquired by DoD employees as part of their official duties or because of their official status within the Department.



Department of Defense INSTRUCTION

NUMBER 5230.29

August 6, 1999

WHS

SUBJECT: Security and Policy Review of DoD Information for Public Release

- References:
- (a) DoD Instruction 5230.29, same subject as above, May 6, 1996 (hereby canceled)
 - (b) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 9, 1996
 - (c) DoD Directive 5400.4, "Provision of Information to Congress," January 30, 1978
 - (d) DoD Directive 5230.24, "Distribution Statements on Technical Documents," March 18, 1987
 - (e) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
 - (f) International Traffic in Arms Regulation (ITAR), Department of State, November 1989

1. PURPOSE

This Instruction:

- 1.1. Reissues reference (a).
- 1.2. Implements policy, assigns responsibilities, identifies information that must be cleared before public release, and prescribes procedures under reference (b) to carry out security and policy review of DoD information for public release.

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the

Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2 of reference (b).

4. POLICY

It is DoD policy under reference (b) that a security and policy review shall be done on all official DoD information intended for public release that pertains to military matters, national security issues, or subjects of significant concern to the Department of Defense.

5. RESPONSIBILITIES

5.1. The Director, Washington Headquarters Services shall:

5.1.1. Monitor compliance with the procedures established in section 6., below, for the security and policy review of official DoD information.

5.1.2. Provide for the prompt security and policy review of official DoD information proposed for public release that is originated by, in, or for the Department of Defense, to include statements intended for open presentation before the Congress and other material submitted to the Congress in accordance with DoD Directive 5400.4 (reference (c)). The review is made to ensure that properly classified information is not disclosed and no conflict exists with established policies or programs of the Department of Defense or the U.S. Government.

5.1.3. Coordinate, as necessary, with the staffs of the DoD Components when reviewing official DoD information for public release clearance to ensure accuracy and currency of existing policy and security guidance.

5.1.4. Respond to requests for review of information submitted voluntarily by non-DoD sources or DoD personnel acting in a private capacity to ensure that such material does not contain classified information. This review shall also address technology transfer and public releasability of technical data under DoD Directives 5230.24 and 5230.25, and the ITAR (references (d) through (f)).

5.2. The General Counsel of the Department of Defense shall conduct legal reviews, as needed, to ensure compliance with applicable laws and regulations to protect DoD rights and interests.

5.3. The Heads of the DoD Components shall:

5.3.1. Ensure compliance with this Instruction and issue any guidance necessary for the internal administration of the requirements prescribed in section 6., below.

5.3.2. Forward official DoD information specified under subsection 6.1., below, which is proposed for public release to the Director, Washington Headquarters Services, ATTN: Director for Freedom of Information and Security Review (DFOISR), for review and clearance, as prescribed in subsection 6.2., below, with specific recommendation on the releasability of the information being forwarded.

5.3.3. Provide prompt guidance and assistance to the Director, WHS, when requested, on any information proposed for public release.

5.3.4. Exercise clearance authority for information not specified under subsection 6.1., below. This authority may be delegated to the lowest level competent to evaluate the content and implications of public release of the information.

6. PROCEDURES

6.1. Clearance Requirements. Official DoD information that is prepared by or for DoD personnel and is proposed for public release shall be submitted to the Director, WHS, ATTN: DFOISR, 1400 Defense Pentagon, Room 2C757, Washington, DC 20301-1155, for review and clearance, if the information:

6.1.1. Originates or is proposed for release in the Washington, DC area;

6.1.2. Is or has the potential to become an item of national or international interest;

6.1.3. Affects national security policy or foreign relations;

6.1.4. Concerns a subject of potential controversy among the DoD Components or with other Federal Agencies;

6.1.5. Is presented by a DoD employee, who by virtue of rank, position, or expertise would be considered an official DoD spokesperson;

6.1.6. Contains technical data, including data developed under contract or independently developed and controlled by the ITAR (reference (f)) that may be militarily critical and subject to limited distribution, but on which a distribution determination has not been made; or,

6.1.7. Bears on any of the following subjects:

6.1.7.1. New weapons or weapons systems, or significant modifications or improvements to existing weapons or weapons systems, equipment, or techniques.

6.1.7.2. Military operations, significant exercises, and operations security.

6.1.7.3. National Command Authorities; command, control, communications, computers, and intelligence; information operations and computer security.

6.1.7.4. Military activities or application in space; nuclear weapons, including nuclear weapons effects research; chemical warfare and defensive biological warfare; and arms control treaty implementation.

6.1.7.5. Any other contemporary topic that is designated by the Head of a DoD Component.

6.2. Submission for Review. The following procedures apply to all information required to be submitted to DFOISR for clearance:

6.2.1. A minimum of three copies of material, in its final form, shall be submitted, together with DD Form 1910, "Clearance Request for Public Release of Department of Defense Information," to DFOISR.

6.2.2. Any material submitted for review shall be initialed by the speaker, author, or other authorized individual acting for the principal to indicate approval of the text.

6.2.3. All information submitted for review to DFOISR must first be coordinated within the originating DoD Component to ensure that it reflects the

organization's policy position and does not contain classified information requiring withholding.

6.2.4. Only the full and final text of material proposed for release shall be submitted for review. Notes, outlines, briefing charts, etc., may not be submitted as a substitute for a complete text.

6.2.5. Abstracts to be published in advance of a complete paper, manuscript, etc., require clearance. Clearance of an abstract does not fulfill the requirement to submit the full text for clearance before its publication. If an abstract is cleared in advance, that fact, and the DFOISR case number assigned to the abstract, shall be noted on the DD Form 1910 or other transmittal when the full text is submitted.

6.2.6. The requirements of DoD Directive 5400.4 (reference (c)) shall apply to the processing of information proposed for submission to Congress.

6.2.7. Information intended for placement on electronic bulletin boards accessible through the INTERNET, or other publicly accessible computer servers, requires review and clearance for public release if, it meets the requirements of subsection 6.1., above.

6.3. Time Limits

6.3.1. Submit speeches and briefings a minimum of 3 working days before the event. Additional time may be needed for complex or potentially controversial speeches.

6.3.2. Papers, articles, and other material shall be submitted a minimum of 5 working days before the date needed. The length, complexity, and content shall determine the number of reviewing Agencies and, consequently, the time required for the complete review process.

6.3.3. Technical papers shall require a minimum of 10 working days. The majority of papers are processed in that time-frame. Occasionally, more time is needed if the material is complex or requires review by several Agencies.

6.4. Effect of Review Actions and Appeals

6.4.1. Information reviewed for public release clearance shall result in one of the following actions:

6.4.1.1. Cleared for Open Publication. The information may be released without restriction by the originating Component or its authorized official. DFOISR may require a disclaimer to accompany the information, as follows:

"The views expressed are those of the author and do not reflect the official policy or position of the Department of Defense or the U.S. Government."

6.4.1.2. Cleared "as amended" for open publication. Amendments, made in red, are binding on the submitter. Red brackets identify information that must be deleted. When possible, alternative wording is provided to substitute for the deleted material. Occasionally, wording will be included that shall be added to the text before public release. A disclaimer, as in subparagraph 6.4.1.1., above, may also be required."

6.4.1.2. Not Cleared. The information submitted for review may not be released.

6.4.2. Although DFOISR has no responsibility for correcting errors of fact or making editorial changes, obvious errors may be identified in the text and noted as "recommended." Those corrections are not binding on the author or submitter.

6.4.3. All amendments or "not cleared" determinations may be appealed through DFOISR to the Director, WHS. All appeals shall be resolved at the lowest practical level and as quickly as possible.

7. EFFECTIVE DATE

This Instruction is effective immediately.


D. O. Cooke, Director
Washington Headquarters Services

Tab 11

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Department of Defense DIRECTIVE

NUMBER 5230.11

June 16, 1992

USD(P)

SUBJECT: Disclosure of Classified Military Information to Foreign Governments and International Organizations

- References:
- (a) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," December 31, 1984 (hereby canceled)
 - (b) DoD Instruction 5230.17, "Procedures for Disclosure of Classified Military Information to Foreign Governments and International Organizations," February 17, 1985 (hereby canceled)
 - (c) National Disclosure Policy-1, "National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations," (short title: National Disclosure Policy (NDP-1)), October 1, 1988¹
 - (d) through (t), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a), replaces reference (b), implements reference (c), and updates policy, responsibilities, and procedures governing proposed disclosures of classified military information to foreign governments and international organizations (hereafter referred to as "foreign governments").

¹ Provided to designated disclosure authorities on a need-to-know basis from the Office of the Director for International Security Programs, Office of the Deputy Under Secretary of Defense for Security Policy (ODUSD(SP)).

2. APPLICABILITY AND SCOPE

This Directive applies to:

2.1. The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

2.2. All disclosures of classified military information defined in enclosure 2. Disclosures of military intelligence information, however, also must be in compliance with DoD Directive C-5230.23 (reference (d)).

2.3. Classified information involved in munitions license applications processed under DoD Directive 2040.2 and the ITAR (references (e) and (f)).

3. DEFINITIONS

Terms used in this Directive are defined in enclosure 2

4. POLICY

It is U.S. national and DoD policy under NDP-1 (reference (c)) that:

4.1. Classified military information is a national security asset that shall be protected and shall be shared with foreign governments only when there is a clearly defined benefit to the United States. Disclosures of such information shall be made only when authorized by officials designated under this Directive and then only when all requirements of this Directive are met.

4.2. An official who has been specifically delegated disclosure authority under section 5., below, may authorize disclosures of classified military information to foreign governments in support of a lawful and authorized U.S. Government purpose if the:

4.2.1. Official represents the DoD Component that originated the information.

4.2.2. Level of classified information to be disclosed does not exceed the classification level delegated by Annex A of reference (c).

4.2.3. Criteria and conditions in enclosure 3 are satisfied.

4.3. The Secretary of Defense and the Deputy Secretary of Defense are the only DoD officials who have original authority to grant exceptions to the policy contained in this Directive. The Secretary of Defense has delegated authority to the National Military Information Disclosure Policy Committee (NDPC) to consider and grant requests for exceptions to policy in compliance with reference (c).

4.4. Classified military information shall not be disclosed to foreign nationals until the appropriate designated disclosure authority receives a security assurance from the recipient foreign government on the individuals who are to receive the information.

4.5. In accordance with reference (c), it is U.S. policy to avoid creating false impressions of U.S. readiness to make available classified military information, materiel, or technology. Accordingly, designated disclosure authorities of the originating DoD Component, or, when an exception to policy is required, the Secretary of Defense, the Deputy Secretary of Defense or the NDPC must authorize, in advance, proposals to be made to foreign governments that could lead to the eventual disclosure of classified military materiel, technology, or information. Commitments shall not be expressed or implied, and no disclosures shall be made pending the required disclosure decision.

4.6. Disclosure planning shall include the following:

4.6.1. Planning for possible foreign involvement should start at the beginning of the weapon system acquisition process and other programs, to facilitate decisions on the disclosure of classified and controlled unclassified information in support of cooperative programs, foreign participation in the DoD procurement activities, and foreign sales. The planning shall include consideration of the requirements set forth in DoD Instruction 5000.2, Part 5, Section F (reference (g)).

4.6.2. The DoD Components shall use the Technology Assessment/Control Plan in DoD Directive 5530.3 (reference (h)) as the basis for making the stated disclosure decisions in paragraph 4.6.1., above, on weapon system programs.

4.6.3. A delegation of disclosure authority letter (DDL) similar to that in enclosure 4 shall be used to provide disclosure guidance to subordinate commands and Agencies and, when applicable, to the DoD contractors.

4.7. All disclosures and denials of classified military information shall be

reported in the Foreign Disclosure and Technical Information System (FORDTIS), in accordance with DoD Instruction 5230.18 (reference (i)). For denials, disclosure authorities must take special care to record a concise summary of the analysis that led to the denial.

4.8. Under conditions of actual or imminent hostilities, any Unified or Specified Commander may disclose classified military information through TOP SECRET to an actively participating allied force when support of combined combat operations requires the disclosure of that information. The appropriate U.S. Commander shall notify the Chairman of the Joint Chiefs of Staff of such disclosures. The Chairman of the Joint Chiefs of Staff, in turn, shall notify the Office of the Under Secretary of Defense for Policy, ATTN: Chairman, NDPC, who shall determine any limitations that should be imposed on continuing disclosure of the information. The U.S. Commander shall be informed of any limitations through the Chairman of the Joint Chiefs of Staff.

4.9. The classified military information that is approved for foreign disclosure shall be transmitted to the intended foreign recipient through government-to-government channels, in accordance with DoD 5200.1-R, chapter 8 (reference (j)).

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Policy shall:

5.1.1. Ensure effective implementation of the National Disclosure Policy and operation of the NDPC under NDP-1 (reference (c)).

5.1.2. Designate the Chair of the NDPC, who shall represent the Secretary of Defense on the NDPC.

5.1.3. Advise the DoD Components and the NDPC about security matters on disclosures.

5.1.4. Draft and negotiate with foreign governments, in coordination with the other applicable DoD Components and Federal Departments and Agencies, security agreements governing the safeguarding of classified military information and equipment.

5.1.5. Coordinate on all international agreements negotiated under DoD

Directive 5530.3 (reference (h)) that involve the disclosure of classified military information.

5.1.6. Review and approve, when justified, requests for disclosure authority from heads of the OSD organizational elements and the DoD Components not covered in subsection 5.2., below.

5.1.7. Issue policy governing international visits, the assignment of liaison officers and exchange officers, and other assignments of foreign representatives to the DoD Components and defense contractors.

5.1.8. Maintain effective liaison with security officials of allied and friendly governments with which the U.S. Government has entered into security agreements.

5.1.9. Direct, manage, and control the FORDTIS, in accordance with DoD Instruction 5230.18 (reference (i)).

5.1.10. Issue necessary supplemental publications for the effective implementation of this Directive.

5.1.11. Publish an annual schedule to keep the DoD Components informed of security survey support requirements.

5.1.12. Record decisions rendered on requests for exception to reference (c) in the FORDTIS, in accordance with reference (i).

5.2. The Under Secretary of Defense for Policy, in addition to the responsibilities in subsection 5.1., above, and the Secretaries of the Military Departments, the Under Secretary of Defense (Acquisition), the Chairman of the Joint Chiefs of Staff, the Assistant Secretary of Defense (Command, Control, Communications and Intelligence), the Director, Defense Intelligence Agency, and the Director, National Security Agency/Central Security Service, shall:

5.2.1. Authorize disclosures or denials of the U.S. classified military information for which they are the originating DoD Component in accordance with this Directive.

5.2.2. Designate a senior official to be the principal disclosure authority for their DoD Component. Such designations shall be in writing, with a copy provided to the Chair of the NDPC.

5.2.3. Provide disclosure authority, in writing, to the heads of commands and Agencies and major staff elements under their direction, control, or authority, as necessary, to ensure efficient operation of those commands, Agencies, and staff elements.

5.2.4. Require that the heads of commands, Agencies, and staff elements to whom disclosure authority has been provided appoint a designated disclosure authority.

5.2.5. Coordinate with the Chair of the NDPC all proposed disclosure decisions to be referred directly to the Secretary of Defense or the Deputy Secretary of Defense.

5.2.6. Provide the necessary support to the Chair of the NDPC to do security surveys of foreign government security programs. (See subparagraph 6.9.3.2., below.)

5.2.7. Forward any inquiries concerning this Directive to the Office of the Under Secretary of Defense for Policy, Attn: Deputy Under Secretary of Defense (Security Policy).

5.2.8. Ensure that the principal disclosure authorities shall:

5.2.8.1. Control disclosures for their respective DoD Component.

5.2.8.2. Ensure the competency of subordinate officials appointed as designated disclosure authorities.

5.2.8.3. Ensure that all proposed disclosure actions originating in their DoD Component are coordinated with the other DoD Components that have a joint or shared interest in the information involved.

5.2.8.4. Designate a member and an alternate to represent their DoD Component on the NDPC and ensure that the persons designated:

5.2.8.4.1. Are thoroughly familiar with the daily administration of disclosure activities in their respective DoD Component.

5.2.8.4.2. Are qualified to provide broad professional guidance on matters brought before the NDPC.

5.2.8.4.3. Have direct access to the DoD Component's principal

disclosure authority as well as to other members of the NDPC.

5.2.8.5. Ensure that their DoD Component's disclosure decisions are reported to the FORDTIS in accordance with DoD Instruction 5230.18 (reference (i)).

5.2.8.6. Coordinate requests for disclosures of classified military information involved in litigation with the General Counsel of the Department of Defense or the General Counsel of the DoD Component concerned, as appropriate, before determining whether to disclose the requested information.

5.2.8.7. Ensure that Component personnel traveling overseas are provided disclosure guidance and are informed of and comply with the policy for overseas travel described in DoD 5200.1-R, chapter 8 (reference (j)).

5.3. The Chairman of the Joint Chiefs of Staff shall represent the Commanders of the Unified and Specified Commands on the NDPC.

5.4. The General Counsel of the Department of Defense shall:

5.4.1. Ensure the legal adequacy of security agreements between the United States and foreign governments that establish procedures for the protection of the classified military information.

5.4.2. Advise the DoD Components and the NDPC on the legal aspects of applying the NDP-1 (reference (c)) to individual disclosure decisions.

5.5. The Assistant to the Secretary of Defense (Atomic Energy) shall inform the other NDPC members on the current implementation of international agreements made under the Atomic Energy Act (reference (k)). That includes any statutory determinations and requirements placed on recipient foreign governments and international organizations for safeguarding atomic information released to them.

5.6. The Secretary of the Air Force shall provide resources for the operation, maintenance, and administration of the FORDTIS, and comply with DoD 7110.1-M (reference (l)) on requests for funds to carry out that FORDTIS responsibility.

6. PROCEDURES

6.1. International Agreements

6.1.1. Early Disclosure Determination. Before any discussions with foreign representatives on the negotiation of an international agreement that is governed by DoD Directive 5530.3 (reference (h)), the DoD Components shall determine the extent to which classified military information will be required for release, and obtain disclosure authorization for the information. (See subsection 4.6., above.)

6.1.2. Security Requirements. International agreements that involve the disclosure of classified military information shall contain, at a minimum, the security requirements in section E3.1.2. of enclosure 3. If a general security agreement exists with the foreign government concerned, this requirement may be satisfied by referencing that agreement. Such agreements shall be coordinated with the Office of the Under Secretary of Defense for Policy, ATTN: Deputy Under Secretary of Defense (Security Policy), who may specify other requirements during coordination.

6.1.3. Cooperative Programs. Disclosure authorities shall review carefully any request for classified military information made in accordance with a cooperative agreement with both the goals of the program and the interests of national security in mind.

6.2. Meetings, Symposia, and Conferences. The conduct and organization of meetings, symposia, and conferences where classified military information is to be disclosed shall be in accordance with DoD Directive 5200.12 and DoD 5200.1-R (references (m) and (j)).

6.2.1. Foreign Participation. Foreign nationals may participate in such gatherings when their participation is in accordance with this Directive and U.S. export control policies, the appropriate designated disclosure authorities have approved any classified or controlled unclassified information for disclosure to the proposed foreign attendees, the foreign attendees actively participate in the proceedings, and there is reciprocity for the U.S. Government and industry representatives.

6.2.2. Disclosure Levels. The classification levels and categories of information authorized for disclosure vary among nations. The DoD Components shall limit the level of classified information to be disclosed at meetings attended by foreign representatives to the lowest level that is common to all nations represented.

6.3. Foreign Visitors, Liaison Officers, and Exchange Personnel. Procedures on such individuals shall be in accordance with DoD Directive 5230.20 (reference (n)). Disclosures of classified information shall be in accordance with this Directive.

6.4. Sales, Leases, Loans, or Grants of Classified Items. In implementing the policy in subsection 4.5., above, the DoD Components shall comply with the following standards when authorizing the disclosure or commercial export of any information, classified or unclassified, relating to sales, leases, loans, or grants of military equipment:

6.4.1. Release Authorization. Before approval of initiatives that could lead to a sale, lease, loan, or grant of military equipment, obtain authorization from the appropriate designated disclosure authority for disclosure of all necessary classified equipment and information required for system operation, employment, maintenance, and training, including system software.

6.4.2. Initial Disclosures. Limit initial disclosures to general information, usually no higher than CONFIDENTIAL, on system characteristics, capabilities, and price and availability until a sale, lease, loan, or grant is consummated.

6.4.3. System Countermeasures. Withhold specific information on system countermeasures susceptibilities or vulnerabilities and counter-countermeasures capabilities, until the sale, lease, loan, or grant is consummated.

6.4.4. Operation, Employment, Maintenance, and Training. After consummation of a sale, lease, loan, or grant, classified military information may be disclosed up to the level necessary for operation, employment, maintenance, and training.

6.4.5. Data Packages. Edit or rewrite data packages to exclude information that is beyond that which has been authorized for disclosure.

6.4.5.1. The disclosure of technical data for production purposes shall be limited to data that is necessary to produce a specific item that is approved for release to the country that is to receive the data.

6.4.5.2. The disclosure of technical data for maintenance purposes shall be limited to data that is necessary to perform the level of maintenance that has been authorized for the country that is to receive the data.

6.5. Foreign Test and Evaluation

6.5.1. Foreign test and evaluation of the U.S. classified equipment may be authorized when the tests:

6.5.1.1. Are on an item approved for foreign disclosure by the appropriate disclosure authority.

6.5.1.2. Can be performed at a U.S. installation or under other strict U.S. control that guarantees appropriate safeguards for classified information and classified or unclassified critical technology.

6.5.2. Exceptions to subparagraph 6.5.1.2., above, such as the transfer of a single classified military item for test and evaluation under foreign security control, may be authorized only when all of the following conditions are fulfilled:

6.5.2.1. There is no transfer of, and the test will not reveal, technology that the United States would not license for manufacture in the foreign country.

6.5.2.2. There is no release of equipment that would not be approved for foreign sale or export to the foreign country, if requested.

6.5.2.3. The release will result in a clearly defined advantage to the United States; for example:

6.5.2.3.1. Specifically defined avoidance of significant costs or acceleration of programs in development efforts by the United States and its allies.

6.5.2.3.2. Advance the objectives of standardization with and among U.S. allies by promoting cooperation in research and development.

6.5.2.3.3. Exchange technical and scientific information of common interest on a mutually beneficial basis.

6.5.2.4. The Secretary of the Military Department concerned, in coordination with the Office of the Under Secretary of Defense (Acquisition), approves the exception as meeting the described conditions in paragraph 6.5.2., above. The Chair of the NDPC shall be informed of each exception; the Chair shall notify the NDPC members.

6.5.2.5. The test is performed under a test and evaluation agreement negotiated under DoD Directive 5530.3 (reference (h)), or a lease arrangement or sales contract containing requisite security controls.

6.5.2.6. The releases are reported to the FORDTIS.

6.6. Foreign Participation in DoD Component Classified Training Activities

6.6.1. Receiving Training on U.S. Equipment. A foreign national may receive training on U.S. equipment that is classified or involves classified information, if the equipment is in the inventory of or is to be acquired by the trainee's government after the following:

6.6.1.1. The prospective trainee's government has concluded an international agreement or signed a purchase agreement with the United States to acquire the equipment and training; or

6.6.1.2. The Defense Security Assistance Agency has issued an International Military Education and Training (IMET) order for the training.

6.6.2. Conducting Training on U.S. Equipment. A foreign national may conduct training on U.S. equipment that is classified or involves classified information, if the item has been sold or otherwise provided to the foreign national's government and the U.S. Government has specifically approved the provisions of such training to any third party that is involved.

6.6.3. Third-Country Equipment. Foreign nationals may receive or conduct training on equipment provided by a third-country that is classified or involves third-country classified information only with the prior written consent of the government that provided the equipment.

6.7. Requests for Classified Documents

6.7.1. Disclosure Review. Requests for classified documents by a foreign representative shall be forwarded to the applicable designated disclosure authority of the originating DoD Component for review and approval or denial. The requests shall be processed using the FORDTIS, when practicable.

6.7.2. Report to the FORDTIS. The designated disclosure authority that renders the decision shall report it to the FORDTIS under DoD Instruction 5230.18 (reference (i)).

6.7.3. Reference Lists and Bibliographic Material. To avoid false impressions and to avoid proliferation of requests for classified military information that is not releasable to the requestor, the DoD Components shall:

6.7.3.1. When practical, excise references to nonreleasable documents and information from material that may be otherwise released.

6.7.3.2. Discourage release of documents that are reference lists or are bibliographic. To react favorably to justified foreign requests for information, identify the requestor's specific requirements and provide only the U.S. information that satisfies that requirement and is determined to be releasable.

6.8. Foreign Access to Information When Participating in U.S. Procurement Programs. Participation consistent with applicable U.S. laws, regulations, and security requirements in DoD procurement initiatives by contractors from countries with which the Department of Defense has agreements that encourage reciprocal participation in defense procurement may include access to classified information consistent with this Directive as follows:

6.8.1. Access to Technical Data. Qualified government and industry representatives from those countries shall be given appropriate access to technical data, consistent with this Directive and the ITAR (reference (f)), necessary to bid on the DoD contracts.

6.8.2. Disclosure Decisions. Disclosure decisions involving those countries shall be made before the announcement of the procurement (see subsection 4.6., above), and the announcement shall describe any restrictions on foreign participation.

6.8.3. Participation as Subcontractor. When it is determined that foreign contractors are not authorized to participate in the classified or other sensitive aspects of a potential contract, consideration should be given to their requests for participation in unclassified or less sensitive aspects of the contract as a subcontractor.

6.8.4. Requests for Documentation. Requests by foreign entities for classified or controlled unclassified documentation must be submitted through government channels.

6.9. NDPC Operations. The following procedures apply to the activities below:

6.9.1. Exceptions to NDP-1

6.9.1.1. Exceptions to NDP-1 (reference (c)), other than those granted by the Secretary of Defense or the Deputy Secretary of Defense, shall be granted only by the NDPC.

6.9.1.2. All proposed disclosure actions that require decisions by the Secretary of Defense or the Deputy Secretary of Defense shall contain the views of the originating DoD Component or Agency and shall be coordinated with the Chair of the NDPC.

6.9.1.3. When the Secretary of Defense or the Deputy Secretary of Defense grants an exception to policy, the DoD Component originating or participating in the determination shall notify the Chair of the NDPC so that the exception may be recorded properly and reported promptly to the NDPC members and the National Security Council and recorded in the FORDTIS.

6.9.1.4. All other requests for exception to policy shall:

6.9.1.4.1. Be forwarded through channels to the designated disclosure authority who represents the requestor's organization on the NDPC.

6.9.1.4.2. At a minimum, include the information in enclosure 5.

6.9.2. Reporting to the NDPC of Compromises of U.S. Classified Military Information Furnished to Foreign Governments. The DoD Components having knowledge of compromises of U.S. classified information by foreign governments promptly shall inform the originating DoD Component. The originating DoD Component shall conduct a damage assessment and shall provide copies of the completed case report and damage assessment to the Chair of the NDPC. If the originating DoD Component is not known, the Chair of the NDPC shall conduct the damage assessment and prepare the case report. In either situation, the Chair of the NDPC shall provide the NDPC with an evaluation to serve as a basis for determining whether the nature of the compromise requires a change in reference (c).

6.9.3. Operation of the NDPC

6.9.3.1. NDP-1, NDPC Record of Action 001.7/70 (references (c) and (o)), and this Directive govern the DoD Component participation in the NDPC operations.

6.9.3.2. The DoD Components shall provide qualified personnel to participate on the NDPC security survey teams, when requested. The parent DoD Component shall bear travel and per diem expenses for participants.

6.9.3.3. The DoD members of NDPC security survey teams shall

participate in pre-departure briefings, all scheduled team activities, and the preparation of all reports and briefings resulting from the security survey.

6.9.4. Cooperation with the NDPC. Under the NDP-1 (reference (c)), the Chair of the NDPC acts for and in the name of the Secretary of Defense in carrying out the decisions of the NDPC. All of the DoD Components shall support the Chair's requests for assistance in disclosure matters.

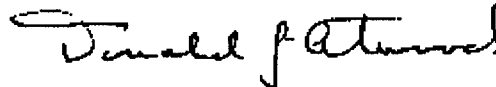
6.10. Classification Requirements. DoD 5200.1-R (reference (j)) governs classification and safeguarding of classified information. The DoD Components also shall follow the security classification guide for NDP matters in enclosure 6.

7. INFORMATION REQUIREMENTS

The reports referenced in this Directive are exempt from licensing in accordance with paragraph 5.4.2. of DoD 7750.5-M (reference (p)).

8. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Under Secretary of Defense for Policy within 120 days.



Donald J. Atwood
Deputy Secretary of Defense

Enclosures - 6

1. References, continued
2. Definitions
3. NDP-1 Disclosure Criteria, Conditions, and Limitations
4. The DDL
5. Requests for Exception to Policy
6. Security Classification Guide for NDP

E1. ENCLOSURE 1

REFERENCES, continued

- (d) DoD Directive C-5230.23, "Intelligence Disclosure Policy (U)," November 18, 1983
- (e) DoD Directive 2040.2, "International Transfers of Technology, Goods, Services, and Munitions," January 17, 1984
- (f) Title 22, Code of Federal Regulations, Parts 120-130, "International Traffic in Arms Regulations (ITAR)"
- (g) DoD Instruction 5000.2, "Defense Acquisition Management Policies and Procedures," February 23, 1991
- (h) DoD Directive 5530.3, "International Agreements," June 11, 1987
- (i) DoD Instruction 5230.18, "The DoD Foreign Disclosure and Technical Information System (FORDTIS)," November 6, 1984
- (j) DoD 5200.1-R, "Information Security Program Regulation," June 1986, authorized by DoD Directive 5200.1, June 7, 1982
- (k) Public Law 83-703, "Atomic Energy Act of 1954," August 30, 1954, as amended (Sections 2121, 2153, and 2164 of title 42, United States Code)
- (l) DoD 7110.1-M, "Department of Defense Budget Guidance Manual," May 1990, authorized by DoD Instruction 7110.1, October 30, 1980
- (m) DoD Directive 5200.12, "Conduct of Classified Meetings," May 16, 1988
- (n) DoD Directive 5230.20, "Control of Foreign Representatives," June 25, 1984
- (o) National Military Information Disclosure Policy Committee Record of Action 001.7/70, "NDPC Detailed Operating Procedures," September 15, 1981
- (p) DoD 7750.5-M, "DoD Procedures for Management of Information Requirements," November 1986, authorized by DoD Directive 7750.5, August 7, 1986
- (q) Executive Order 12356, "National Security Information," April 2, 1982
- (r) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
- (s) DoD Directive 5400.7, "DoD Freedom of Information Act Program," May 13, 1988
- (t) Title 15, Code of Federal Regulations, Parts 730-799, "Export Administration Regulations (EAR)"

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Classified Military Equipment. Military equipment that is itself classified; contains classified information that may be derived from or revealed by its operation or testing; or will require the disclosure of classified information for operation, employment, maintenance, or training.

E2.1.2. Classified Military Information. Information originated by or for the Department of Defense or its Agencies or is under their jurisdiction or control and that requires protection in the interests of national security. It is designated TOP SECRET, SECRET, and CONFIDENTIAL, as described in E.O. 12356 (reference (q)). Classified military information may be in oral, visual, or material form and has been subdivided further into the eight categories described below:

E2.1.2.1. Category 1 - Organization, Training, and Employment of Military Forces. Information of a general nature pertaining to tactics, techniques, tactical doctrine, and intelligence and counterintelligence doctrine and techniques. Excluded is information necessary for the operation, training, and maintenance on specific equipment covered under Categories 2 and 3, below.

E2.1.2.2. Category 2 - Military Materiel and Munitions. Information on specific items of equipment already in production, or in service, and the information necessary for the operation, maintenance, and training. Items on the U.S. Munitions List fall within this category. This category does not pertain to equipment that is in research and development.

E2.1.2.3. Category 3 - Applied Research and Development Information and Materiel. Information related to fundamental theories, design, and experimental investigation into possible military applications; it includes engineering data, operational requirements, concepts, and military characteristics required to adopt the item for production. Development ceases when the equipment has completed suitability testing and has been adopted for use or production.

E2.1.2.4. Category 4 - Production Information. Information related to designs, specifications, manufacturing techniques, and such related information necessary to manufacture materiel and munitions.

E2.1.2.5. Category 5 - Combined Military Operations, Planning, and Readiness. Information necessary to plan, ensure readiness for, and provide support to the achievement of mutual force development goals or participation in specific combined tactical operations and exercises. It does not include strategic plans and guidance or North American defense information.

E2.1.2.6. Category 6 - U.S. Order of Battle. Information pertaining to U.S. forces in a specific area. In general, disclosures of this information are limited to those countries in which U.S. forces are stationed or are in adjacent geographical areas.

E2.1.2.7. Category 7 - North American Defense. Information related to plans, operations, programs, and projects, to include data and equipment, directly related to North American defense.

E2.1.2.8. Category 8 - Military Intelligence. Information of a military character pertaining to foreign nations. This category of information does not include national intelligence or sensitive compartmented information under the purview of the Director of Central Intelligence (DCI).

E2.1.3. Controlled Unclassified Information. Unclassified information to which access or distribution limitations have been applied in accordance with national laws, policies, and regulations of the originating country. It includes U.S. information that is determined to be exempt from public disclosure in accordance with DoD Directives 5230.25 and 5400.7 (references (r) and (s)) or that is subject to export controls in accordance with the ITAR (reference (f)) or the EAR (reference (t)).

E2.1.4. Delegation of Disclosure Authority Letter (DDL). A letter issued by the appropriate designated disclosure authority explaining classification levels, categories, scope, and limitations of information under a DoD Component's disclosure jurisdiction that may be disclosed to a foreign recipient. It is used to delegate disclosure authority to subordinate disclosure authorities.

E2.1.5. Designated Disclosure Authority. An official, at subordinate component level, designated by the Head of a DoD Component or the Component's Principal Disclosure Authority to control disclosures of classified military information by his or her organization.

E2.1.6. Disclosure. Conveying classified information, in any manner, to an authorized representative of a foreign government.

E2.1.7. Foreign Disclosure and Technical Information System (FORDTIS). An automated system to assist decision makers and analysts in reviewing, coordinating, and reaching decisions concerning proposals to release classified military information, materiel, and technology to foreign governments.

E2.1.8. Government-to-Government Channels. The principle that classified information and materiel will be transferred by government officials through official channels or through other channels expressly agreed upon by the governments involved. In either case, the information or materiel may be transferred only to a person specifically designated in writing by the foreign government as its representative for that purpose.

E2.1.9. Intelligence. The product resulting from the collection, processing, integration, analysis, evaluation, and interpretation of available information concerning foreign countries or areas.

E2.1.10. International Organization. An entity established by recognized governments pursuant to an international agreement which, by charter or otherwise, is able to acquire and transfer property, make contracts and agreements, obligate its members, and pursue legal remedies.

E2.1.11. Joint Information. Military information over which two or more DoD Components, or two or more Federal Departments or Agencies, exercise control, jurisdiction, or security awareness.

E2.1.12. Meeting. A conference, seminar, symposium, exhibit, convention, training course, or other gathering during which classified or controlled unclassified information is disclosed.

E2.1.13. Originating DoD Component. The DoD Agency that exercises original classification jurisdiction for classified information.

E2.1.14. Security Assurance. The written confirmation, requested by and exchanged between governments, of the security clearance level or eligibility for clearance, of their employees, contractors, and citizens. It includes a statement by a responsible official of a foreign government that the original recipient of U.S. classified military information possesses the requisite security clearance and is approved by his or her government for access to information of the security classification involved on behalf of the foreign government and that the recipient will comply with any security requirements specified by the United States. In the case of

industrial facilities, the security assurance should include a statement concerning the level of storage capability.

E2.1.15. Sensitive Compartmented Information. Information and material that requires special controls for restricted handling within compartmented intelligence systems and for which compartmentation is established.

E2.1.16. Strategic War Plan. A plan for the overall conduct of a war.

E3. ENCLOSURE 3

NDP-1 DISCLOSURE CRITERIA, CONDITIONS, AND LIMITATIONS

E3.1.1. Disclosure Criteria. Disclosures of classified military information in Categories 1 through 8 defined in item E2.1.2. of enclosure 2 may be made only when all of the criteria listed in subsections E3.1.1.1. through E3.1.1.5., below, are satisfied. Disclosures in Category 8 also must be in compliance with DoD Directive C-5230.23 (reference (d)).

E3.1.1.1. Disclosure is consistent with U.S. foreign policy and national security objectives concerning the proposed recipient foreign government. For example:

E3.1.1.1.1. The recipient government cooperates with the United States in pursuance of military and political objectives that are compatible with those of the United States.

E3.1.1.1.2. A specific U.S. national purpose, diplomatic or military, will be served.

E3.1.1.1.3. The information will be used in support of mutual defense and security objectives.

E3.1.1.2. Disclosure is consistent with U.S. military and security objectives. For example:

E3.1.1.2.1. Disclosures of advanced technology, if compromised, will not constitute an unreasonable risk to the U.S. position in military technology and operational capabilities, regardless of the intended recipient.

E3.1.1.2.2. The proposed disclosure reflects the need for striking a proper balance between pursuit of our mutual defense and foreign policy objectives on the one hand and the preservation of the security of our military secrets on the other.

E3.1.1.3. The foreign recipient of the information will afford it substantially the same degree of security protection given to it by the United States. (The intent of a foreign government to protect U.S. classified military information is established in part by the negotiation of a General Security of Information Agreement or other similar security arrangement. A foreign government's capability to protect U.S. classified

military information normally is determined by the evaluation of embassy security assessments, Central Intelligence Agency risk assessments, National Military Information Disclosure Policy Committee (NDPC) Security Survey Reports, and/or historical precedence.)

E3.1.1.4. Disclosures will result in benefits to the United States at least equivalent to the value of the information disclosed. For example:

E3.1.1.4.1. The United States obtains information from the recipient nation on a quid pro quo basis.

E3.1.1.4.2. The exchange of military information or participation in a cooperative project will be advantageous to the United States from a technical or other military viewpoint.

E3.1.1.4.3. The development or maintenance of a high level of military strength and effectiveness on the part of the government receiving the information will be advantageous to the United States.

E3.1.1.5. The disclosure is limited to information necessary to the purpose for which disclosure is made. For example, if the purpose of the disclosure is the sale of military equipment, information on operation, maintenance, and training would be released. Research and development data, or production know-how, must be withheld.

E3.1.2. Disclosure Conditions. After a decision is made to disclose classified military information to a foreign government or international organization, based on the criteria listed in subsections E3.1.1.1. through E3.1.1.5. of this enclosure, above, or an exception to policy, release of the classified military information will be contingent upon agreement by the recipient foreign government that the listed minimal conditions in subsections E3.1.2.1. through E3.1.2.8., below, will be met. The conditions normally are satisfied by the provisions of existing General Security of Information Agreements. When a General Security of Information Agreement does not exist, the conditions may be included in a program-specific agreement, government contract, or similar arrangement.

E3.1.2.1. The information or acknowledgment of its possession will not be revealed to a third-country government, organization, or person, except with the prior written permission of the originating U.S. Department Agency.

E3.1.2.2. The information will be afforded substantially the same degree of security protection afforded to it by the United States.

E3.1.2.3. The information will be used only for designated military purposes, or other specified purposes.

E3.1.2.4. The recipient will report promptly and fully to U.S. authorities any known or suspected compromise of U.S. classified military information released to it.

E3.1.2.5. All individuals and facilities that will have access to the classified military information and materiel will have security clearances granted by their government at a level equal to that of the classified information involved and an official need-to-know.

E3.1.2.6. The information will be transferred through government-to-government channels.

E3.1.2.7. Security experts of each government will be permitted to visit the other government, when mutually convenient, to review and discuss each other's policies and practices for protecting classified information.

E3.1.2.8. The recipient of the information agrees to abide by or meet U.S.-specified special terms and conditions for the release of U.S. information or materiel.

E3.1.3. Disclosure Limitations

E3.1.3.1. General Limitations. Nothing in this Directive shall be construed so as to allow the disclosure of the following types of information:

E3.1.3.1.1. Prohibited by Law or Agreement. Classified information, the disclosure of which is prohibited by Federal law or by any international agreement to which the United States is a party.

E3.1.3.1.2. Naval Nuclear Information. Any naval nuclear propulsion information, classified or unclassified, except under an agreement negotiated pursuant to the Atomic Energy Act of 1954, as amended (reference (k)).

E3.1.3.1.3. Proprietary Information. Classified or unclassified proprietary information, the rights to which are owned by private firms or citizens (i.e., patents, copyrights, or trade secrets) without the owner's consent, unless such disclosure is authorized by relevant legislation, and then release will be subject to such legislation.

E3.1.3.1.4. National Intelligence. National Intelligence or interdepartmental intelligence produced within the National Foreign Intelligence Board (NFIB) structure. Such intelligence cannot be disclosed without authorization of the DCI in accordance with applicable policies.

E3.1.3.1.5. National Security Telecommunications and Information Systems Security Information. The National Security Telecommunications and Information Systems Security Committee is authorized by its terms of reference to make disclosures of classified military telecommunications and information systems security equipment and information without reference to the NDPC.

E3.1.3.1.6. Counterintelligence. Operational information related to counterintelligence activities and disclosures related thereto.

E3.1.3.1.7. Atomic Information. Such disclosures are made in accordance with the Atomic Energy Act of 1954, as amended (reference (k)).

E3.1.3.1.8. Strategic Planning and Guidance. Only the Secretary of Defense or the Deputy Secretary of Defense may authorize the disclosure of plans, concepts, or other information about strategic war plans. Requests for such disclosure shall be submitted through the Chairman of the Joint Chiefs of Staff.

E3.1.3.2. Specifically Prohibited Disclosures. The following types of classified information are specifically prohibited from disclosure:

E3.1.3.2.1. Classified information officially obtained from a foreign government, except when the information has been conveyed by the government with express written consent to its further disclosure.

E3.1.3.2.2. Combined information without prior agreement of all parties.

E3.1.3.2.3. Joint information without prior agreement of all Departments or Agencies having control or jurisdiction.

E3.1.3.2.4. Information originated by or for another Department or Agency, unless that Department or Agency consents to the disclosure.

E3.1.3.2.5. Intelligence information described in section I, subparagraph 5.c.(2) and section II, subparagraph 5.b.(7) of NDP-1 (reference (c)).

E4. ENCLOSURE 4

THE DDL

The following DDL format should be used by the DoD Components: (While all elements identified should be provided in the general order shown, information should be presented in the clearest and easiest-to-use manner. For example, the usefulness of the DDL for complex systems will be enhanced if items 5 and 6 are broken out by major subsystems and software and disclosures are discussed separately.)

TITLE:

DATE:

1. CLASSIFICATION: Identify highest classification of information to be disclosed.
2. DISCLOSURE METHODS: E.g., oral, visual, or documentary.
3. CATEGORIES PERMITTED: Specify National Disclosure Policy categories to be disclosed.
4. SCOPE: Specify who is authorized to release material or information, and to whom disclosure is authorized.
5. AUTHORIZED FOR RELEASE AND/OR DISCLOSURE: Describe materiel and/or information that can be released or disclosed.
6. NOT AUTHORIZED FOR RELEASE AND/OR DISCLOSURE: Describe materiel and/or information that cannot be released or disclosed. (In addition to providing specific descriptions of releasable and restricted materiel and information, items 5 and 6 will also specify any conditions or limitations to be imposed; e.g., time-phasing of release, allowable forms for software, identification of items releasable only as finished, tested assemblies, etc.)
7. PROCEDURES: Specify review and release procedures, special security procedures, or protective measures to be imposed.
8. REDELEGATION: Specify the extent of redelegation of authority (if any) permitted to subordinate activities.

E5. ENCLOSURE 5
REQUESTS FOR EXCEPTION TO POLICY

Requests for an exception to policy shall contain the following elements of information:

E5.1.1. A concise statement of the action proposed. Include security classification and categories of U.S. classified military information to be disclosed. (For example: "The OUSD(A) member, National Disclosure Policy Committee (NDPC), requests an exception to the National Disclosure Policy to permit the disclosure of SECRET Category 3 (Applied Research and Development Information and Materiel) information to the Government of _____ in support of the negotiation of a Data Exchange Agreement pertaining to surface-to-air missiles.")

E5.1.2. A precise statement of why an exception to policy is required. (For example: An exception is required because (a) the level of classified information involved exceeds the classification level delegated in Annex A of NDP-1; or (b) the proposed action is not in consonance with policy currently established in Annex B or C of NDP-1; or (c) certain (identify which) of the disclosure criteria or conditions listed in section II. of NDP-1 are not fully met; or (d) any or all of the above in combination.)

E5.1.3. An assessment of how each of the disclosure criteria and conditions in section II. of NDP-1 shall be met:

E5.1.3.1. "Disclosure is consistent with the foreign policy of the United States toward the Government of _____." (A further detailed discussion shall be included to substantiate this statement. Reference shall be made to Presidential, National Security Council, or other high-level policy decisions to support the justification provided. A simple statement such as "the recipient cooperates with the United States in pursuance of military and political objectives" is not sufficient.)

E5.1.3.2. "The military security of the United States permits disclosure." (If equipment or technology is involved, there must be a discussion on the result of a compromise on U.S. operational capability or the U.S. position in military technology. This discussion shall include an analysis of the state of the art regarding the technology involved, the susceptibility of the item to reverse engineering, the capability of the foreign recipient to reverse engineer the item, the foreign availability

of the technology or equipment involved, and other governments to whom similar equipment or technology has been released.)

E5.1.3.3. "The foreign recipient will afford the information substantially the same degree of security protection given to it by the United States." (If there has been an NDPC Security Survey for the proposed recipient, the conclusion reached therein shall be discussed. In the absence of an NDPC Security Survey, efforts shall be made to obtain, through intelligence channels, a counterintelligence risk assessment or security analysis of the foreign government's security capabilities. The mere statement that "classified information has been released previously to this government and there is no indication that such information has been compromised" is not sufficient.)

E5.1.3.4. "Disclosures will result in benefits to the United States at least equivalent to the value of the information disclosed." (For example: (1) if the United States obtains information from the proposed recipient on a quid-pro-quo basis, describe the information and the value to the United States; (2) explain how the exchange of military information for participation in a cooperative project will be advantageous to the United States from a technical or military capability viewpoint; (3) if the development or maintenance of a high degree of military strength and effectiveness on the part of the recipient government will be advantageous to the United States, explain how.)

E5.1.3.5. "The disclosure is limited to information necessary to the purpose for which disclosure is made." (For example, if the purpose of the request is for the sale of equipment only, it shall be indicated clearly that research and development data or production know-how is not to be divulged or that documentation will be sanitized.)

E5.1.4. Any limitations placed on the proposed disclosure in terms of information to be disclosed, disclosure schedules, or other pertinent caveats that may affect NDPC approval or denial of the request. (If disclosures are to be phased or if certain information is not to be released, the phasing or nonreleasable information shall be specified.)

E5.1.5. A statement that the requested exception is to be either a continuing exception, subject to annual review, or a one-time exception. (A continuing exception usually is associated with a long-term project, such as a coproduction program or military sale when the United States will be obligated to provide life-cycle support. A one-time exception typically is used for a briefing or demonstration or short-term training.)

E5.1.6. The names and titles of U.S. officials accredited to the requesting foreign government or international organization with whom the proposed exception has been coordinated, as well as the views of the Theater Commander. (Sufficient time shall be allowed to obtain an opinion from U.S. Embassy personnel in-country and the responsible Theater Commander before submitting the request for approval. Many cases are delayed because a U.S. Embassy or Theater Commander opinion has not been obtained.)

E5.1.7. The opinion of other interested Departments or Agencies if joint Service or shared information is involved. (If the information or item of equipment is of shared or joint interest, such as an air-to-air missile used by two Services or containing technology of concern to another Service, the views of the other party will be included.)

E5.1.8. Any information not mentioned above that would assist the NDPC members, the Secretary of Defense, or the Deputy Secretary of Defense in evaluating the proposal.

E5.1.9. The name and telephone number of a knowledgeable individual within the requesting organization who can provide additional technical detail or clarification concerning the case at issue.

E5.1.10. The date a response is desired on the case. Ten full working days for NDPC case deliberations should be allowed. The suspense date (10 full working days) is computed starting from the first full working day after the date of the request.

E6. ENCLOSURE 6SECURITY CLASSIFICATION GUIDE FOR NATIONAL DISCLOSURE POLICY

<u>SUBJECT MATTER</u>	<u>CLASSIFICATION</u>	<u>REMARKS</u>
A. The Charts in Annex A of NDP-1 (reference (c)).	SECRET	
1. The association of a foreign country or international organization with one or more disclosure category entries quoted from the chart in Annex A of reference (c).	CONFIDENTIAL	
2. The association of one or more disclosure category entries in the charts in Annex A of reference (c) pertaining to two or more foreign countries or international organizations (that is, any comparison of the disclosure levels of two or more countries or international organizations).	SECRET	
B. The fact that a specific foreign country or international organization has agreed to afford U.S. classified military information the same degree of protection as afforded by the U.S. Government.	UNCLASSIFIED	Unless the mere existence of the governing security agreement is classified, in which case the same classification applies. This can be determined by reviewing Part B of the charts in Annex A of reference (c).
C. Disclosure authority as set forth in section II.4. of reference (c).	UNCLASSIFIED	
D. Disclosure criteria (and examples) set forth in section II.5.a. of reference (c) without reference to a specific case or country.	UNCLASSIFIED	
E. Disclosure criteria for military intelligence as set forth in section II.5.b. of NDP-1 (reference (c)) and DoD Directive C-5230.23 (reference (d)).	CONFIDENTIAL	Unless otherwise specified by the paragraph markings in section II.5.b.
F. Disclosure conditions for classified military information as set forth in section II.6. of reference (c).	UNCLASSIFIED	
G. NDPC organization and membership in section III. of reference (c).	UNCLASSIFIED	
H. NDPC procedures enumerated in section IV. of reference (c).	UNCLASSIFIED	Except for section IV.2.b. which is CONFIDENTIAL
I. Specific disclosure policy, in addition to that in the chart in Annex A of reference (c), relative to a specific country or international organization.	CONFIDENTIAL	Other classification levels will be recommended to the Chair of the NDPC when circumstances warrant.
J. Specific disclosure policy for selected weapon systems, equipment, and technologies.	CONFIDENTIAL	Other classification levels will be recommended to the Chair of the NDPC when circumstances warrant.
K. Information revealing the security policies, procedures, methods, or practices of a foreign country or international organization for protecting classified military information compiled by a NDPC Security Survey Team.	CONFIDENTIAL	Other classification levels will be recommended to the Chair of the NDPC when circumstances warrant.

SUBJECT MATTER

L. Assessments, including deficiencies or recommendations, compiled by an NDPC Security Survey Team that would not result in adverse effects of foreign relations if disclosed but that could result in damage to the national defense if disclosed but that could result in damage to the national defense if disclosed. For example, the deficiency concerns an exploitable vulnerability that, if revealed, could cause direct or immediate jeopardy to the security of U.S. classified information.

M. Deficiencies or recommendations compiled by the NDPC Security Team that could result in adverse effects on foreign relations if disclosed.

N. The above items shall be declassified on "ODAR."

CLASSIFICATION

CONFIDENTIAL

CONFIDENTIAL

REMARKS

Other classification levels will be recommended to the Chair of the NDPC when circumstances warrant.

Other classification levels will be recommended to the Chairman of the NDPC when circumstances warrant.

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Tab 12

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Department of Defense DIRECTIVE

NUMBER 5230.20

August 12, 1998

USD(P)

SUBJECT: Visits, Assignments, and Exchanges of Foreign Nationals

- References:
- (a) DoD Directive 5230.20, "Visits and Assignments of Foreign Representatives," April 24, 1992 (hereby canceled)
 - (b) Section 1082 of Public Law 104-201, "National Defense Authorization Act for Fiscal Year 1997," September 23, 1996
 - (c) DoD 5025.1-M, "DoD Directives System Procedures," August 1994, authorized by DoD Directive 5025.1, June 24, 1994
 - (d) Title 22, Code of Federal Regulations, Parts 120-130, "International Traffic in Arms Regulations (ITAR)"
 - (e) through (w), see enclosure E1.

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a), incorporates the requirements of reference (b), and updates policy and responsibilities governing visits and assignments, including exchanges, of foreign nationals to the DoD Components and certain contractor facilities.

1.2. Establishes the International Visits Program (IVP), the Foreign Liaison Officers (FLOs) Program, the Defense Personnel Exchange Program (DPEP), and the policy for the assignment of Cooperative Program Personnel.

1.3. Designates the Under Secretary of Defense for Acquisition and Technology as the DoD Executive Agent for the Engineer and Scientist Exchange Program (ESEP).

1.4. Designates the Deputy Under Secretary of Defense (Policy Support) (DUSD

(PS)) as the DoD Executive Agent for Administration and Professional Exchange Program assignments in the Office of the Secretary of Defense (OSD) and the Defense Agencies.

1.5. Designates the Director, Defense Intelligence Agency (DIA), as the DoD Executive Agent for the Defense Intelligence Personnel Exchange Program.

1.6. Authorizes the publication of a DoD Manual, "Joint Service Foreign Attaché Manual," in accordance with reference (c).

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to OSD, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

2.2. Applies to all arrangements whereby foreign nationals visit or are assigned to the DoD Components or to contractor facilities over which the DoD Components have security responsibility, except as described in subsection 2.3., below.

2.3. This Directive does not apply to:

2.3.1. Visits conducted at DoD contractor facilities that involve access only to unclassified information, provided such information is authorized for release pursuant to the Department of State's International Traffic in Arms Regulations (ITAR) (reference (d)) or the Department of Commerce's Export Administration Regulations (EAR) (reference (e)), a pertinent government contract does not require a government-approved visit authorization, and the visit will have no direct impact on DoD activities or responsibilities at the facility.

2.3.2. Visits to the DoD Components or DoD contractor facilities by foreign national employees of U.S. contractors owned by foreign interests. Such visits will be processed in accordance with reference (d), the National Industrial Security Program Operating Manual (NISPOM) (reference (f)), and subsection E3.2.5 of enclosure E3.

2.3.3. Visits by foreign nationals who are not representing their government in an official capacity (e.g., students or researchers in the United States for private purposes). Access to DoD and cleared defense contractor facilities by such persons

will be handled on the same basis as public visits.

2.3.4. Visits by foreign students who are visiting to participate in security assistance training on Invitational Travel Orders pursuant to DoD 5105.38-M (reference (g)).

2.3.5. Visits by foreign nationals participating in United States Information Agency tours.

2.3.6. Unclassified visits by Canadian government officials and certified Canadian contractors under the U.S.-Canada Joint Certification Program in accordance with reference (d).

2.3.7. Visits for activities that are open to the public.

2.3.8. Visits that do not involve access to classified information or programs or to controlled unclassified information and that are sponsored, controlled, administered, and recorded by the U.S. European Command under its Joint Contact Team Program, established in accordance with 10 U.S.C. 168 (reference (h)), provided that the visitors are traveling on Invitational Travel Orders.

3. DEFINITIONS

Terms used in this Directive are defined in enclosure E2. Only these terms will be used in connection with foreign visits, the FLO program, the DPEP, and assignments of Cooperative Program Personnel.

4. POLICY

It is DoD policy that:

4.1. Except as described in subsection 2.3., above, all visits and assignments of foreign nationals to DoD facilities and organizations shall be conducted under the IVP, the FLO Program, the DPEP, or a Cooperative Program as defined in enclosure E2., and in accordance with this Directive.

4.2. Visits by, and assignments of, foreign nationals to the DoD Components shall be arranged under the procedures for a one-time visit, a recurring visit, or an extended visit as described in enclosure E3.

4.2.1. DoD visit authorizations shall not be used to circumvent export licensing requirements. (See subsection E3.2.9. of enclosure E3.)

4.2.2. Visits and assignments subject to this Directive shall be sponsored by the visitor's government. Requests for visits within the United States shall be submitted through the requesting government's Embassy in Washington, DC. The procedures for the routing of requests for visits by foreign nationals at overseas DoD Components shall be established by the responsible Military Department or the Office of the Chairman of the Joint Chiefs of Staff, as applicable, and shall be in compliance with the policies set forth herein.

4.2.3. The assignment of foreign nationals to DoD Component organizations or DoD contractor facilities will be processed through the Foreign Visits System (FVS).

4.3. The assignment of foreign nationals to DoD Component organizations to perform functions for the host DoD organization under the supervision of a DoD official shall be arranged only under a DPEP agreement concluded pursuant to DoD Directive 5530.3 (reference (i)) and enclosure E5.

4.4. The assignment of foreign Cooperative Program Personnel, and Operational FLOs to a DoD Component also shall be under a specific agreement or annex to an umbrella agreement that has been concluded pursuant to reference (i), since administrative support, liability, obligations and responsibility factors similar to those related to the exchange personnel may apply. The assignment of foreign nationals to a DoD Component to perform multinational program or project functions under the supervision of a DoD or multinational program office official shall be arranged in accordance with the applicable Cooperative Program International Agreement and enclosure E6. The assignment of Security Assistance FLOs may be under the terms of an agreement negotiated pursuant to DoD Directive 5530.3 (reference (i)), with a Letter of Offer and Acceptance (LOA) covering provision of support, or an LOA alone containing equivalent provisions as such an agreement. Upon conclusion of the agreement or LOA, the extended visit request shall be used to provide information necessary to effect a specific FLO or Cooperative Program assignment. FLOs, Cooperative Program Personnel assignments, and DPEP will not be covered in the same agreement.

4.5. The Executive Agents for DPEP and those DoD Components authorized to negotiate FLO or Cooperative Program International Agreements shall:

4.5.1. Ensure that proposed agreements are developed and coordinated in compliance with reference (i), DoD 5105.38-M (reference (g)), if applicable, and this Directive.

4.5.2. Review the agreements to ensure conformity with current law and regulations.

4.5.3. Notify the Department of State of any proposed agreements in compliance with reference (i).

4.5.4. Coordinate with their respective DoD Component's Office of General Counsel or Staff Judge Advocate regarding any proposed agreement in compliance with reference (i).

4.5.5. Maintain a DoD record of Managing Agents, and of FLO, DPEP, and Cooperative Program Personnel positions. The Executive Agent may delegate, in writing, to a Managing Agent any of the responsibilities in this section for a program or country. Notwithstanding any such appointment, the Executive Agent retains overall responsibility for the program management and administration.

4.5.6. Ensure that DoD organizations are designated to provide administrative support for and provide disciplinary authority over DoD personnel assigned overseas in DPEP positions.

4.6. Requests to negotiate DPEP or FLO agreements shall include a position description and either a delegation of disclosure authority letter (DDL) or equivalent written disclosure guidance containing the information listed in the sample DDL at enclosure E7. The DoD Components shall issue DDLs, or equivalent written disclosure guidance containing the information listed in enclosure E7., for all currently assigned DPEP, Cooperative Program or FLO personnel within 90 days of publication of this Directive, and for all new Cooperative Program Personnel assignments in advance of those personnel beginning their tour of duty.

4.7. Access by foreign nationals to classified information shall be in accordance with DoD Directive 5230.11 and DoD 5200.1-R (references (j) and (k)). They shall have access only to information that does not exceed that which is authorized under NDP-1 (reference (l)) for release to their governments. Exceptions to NDP-1 (reference (l)) shall not be granted to accommodate the assignment of FLOs, Cooperative Program Personnel, and foreign exchange personnel.

4.8. Access by foreign nationals to controlled unclassified information shall be in accordance with the ITAR, the EAR, and DoD Directives 5230.25 and 5400.7 (references (d), (e), (m) and (n)).

4.9. A contact officer, as defined at enclosure E2., shall be designated to control the activities of foreign visitors, Cooperative Program Personnel, FLOs, and exchange personnel. The designated official shall be familiar with DoD Directive 5230.11 (reference (j)), the applicable DoD Component guidelines governing the release of classified and controlled unclassified information, and the specific disclosure guidelines established in the pertinent DDL, and shall ensure that:

4.9.1. Foreign nationals that visit or are assigned to a DoD Component understand the terms of the applicable certification, agreement, or visit authorization, including responsibilities and limitations.

4.9.2. Foreign nationals are provided access only to that classified and controlled unclassified information that has been authorized for release to their government and that is necessary to fulfill the terms of their certification.

4.9.3. Co-workers are informed of the limitations on access to information by the foreign nationals and their responsibilities in dealing with them.

4.10. A DDL, or equivalent written disclosure guidance containing the information listed in enclosure E7., approved by the appropriate Designated Disclosure Authority (DDA), shall be provided to the contact officer for foreign nationals who are assigned at a DoD Component under a Cooperative Program, FLO, or DPEP arrangement. The DDL, or equivalent written disclosure guidance, shall not be provided to foreign nationals. Information approved for disclosure to foreign nationals who visit a DoD Component under a visit authorization shall be described in the applicable visit authorization or certification. Further, access to classified or controlled unclassified information shall not be permitted until a security assurance has been received from the foreign national's government and it has been verified that the appropriate licensing approval or other authorization has been obtained.

4.11. The training of foreign nationals shall be in compliance with reference (j), Section 1082 of Public Law 104-201 (reference (b)), and DoD 5105.38-M (reference (g)).

4.12. All foreign nationals who are authorized unescorted access to DoD facilities shall be issued badges or passes that clearly identify them as foreign nationals.

Decisions on the issuance of badges and passes shall be made in accordance with subsection 4.13., below.

4.13. Foreign nationals may not have unescorted access to DoD facilities or areas of DoD facilities where access is controlled unless all of the following conditions are met:

4.13.1. The foreign national's government extends commensurate reciprocal privileges to U.S. DoD personnel.

4.13.2. The foreign national is sponsored by his or her government, the need for frequent access is justified, and the required security assurance is provided.

4.13.3. Security measures are in place to control access to information and operations within the DoD facility or area.

4.13.4. Access is required for official purposes on a frequent basis (i.e., more than once per week).

4.13.5. A badge or pass is issued that clearly identifies the bearer as a foreign national and that is valid for a specific facility during normal duty hours.

4.13.6. The badge or pass is displayed on the outer clothing so that it is clearly visible.

4.13.7. The DoD sponsor shall submit the request for issuance of the badge or pass in writing and describe how paragraphs 4.13.1. through 4.13.6., above, will be met.

4.14. Foreign nationals shall not be permitted access to automated information systems unless the systems have been sanitized or configured to ensure that the foreign national's access to classified and controlled unclassified information is limited to that which has been authorized for release to his or her government.

4.15. Foreign nationals shall be identified as such when dealing with others through oral, written and electronic communications.

4.16. The DoD Components shall not agree to the assignment of a FLO or an extended visitor pursuant to an LOA or a Cooperative Program International Agreement at a DoD-cleared contractor facility performing on a classified contract, except under the following conditions:

4.16.1. The facility agrees to the assignment in advance of any commitment and is able to obtain the appropriate export license.

4.16.2. The Defense Security Service (DSS) and the involved DoD Components have agreed that the placement of the individual at the facility will not jeopardize DoD classified information at the facility.

4.16.3. DSS and the involved DoD Components have determined that appropriate controls can be put into place to ensure access is limited only to that which is authorized.

4.16.4. DSS and the involved DoD Components agree on any security controls necessary to monitor and control access and on responsibility for the cost of such controls.

4.16.5. The agreed controls are incorporated into the DDL, or equivalent written disclosure guidance containing the information listed in enclosure E7., and provided to DSS for continuing oversight purposes.

4.17. Foreign Counterpart Visit Program (FCVP). FCVP visits are not required to be processed in the FVS. The Defense Intelligence Agency (DIA) shall make the arrangements, in writing, directly with the office of the DoD counterpart official of the DoD Component to be visited and shall enter the clearances of the visitors into the FVS. The DoD Components shall use existing disclosure guidance in the form of a DDL, or prepare other written guidance approved by a DDA. Disclosures of classified information shall be reported to the Security Policy Automation Network (SPAN).

4.18. U.S. Personnel Assigned Overseas. The DoD Components shall ensure that DoD organizations are designated to provide administrative support for and provide disciplinary authority over DoD personnel assigned overseas as Cooperative Program Personnel and in personnel exchange or FLO positions.

4.19. U.S. Personnel Assigned Outside the Department of Defense. In addition to the requirements of this Directive, details of DoD personnel to duty outside the Department of Defense are subject to the requirements of DoD Directive 1000.17 (reference (o)).

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Policy shall:

5.1.1. Establish DoD policy for the IVP, the FLO Program, the DPEP, and assignment of Cooperative Program Personnel.

5.1.2. Manage automation support to the IVP, the FLO Program, the DPEP, and in support of the assignment of Cooperative Program Personnel through the SPAN.

5.1.3. Consider and, when suitable, grant requests for authority to negotiate and conclude international agreements submitted in accordance with DoD Directive 5530.3 (reference (i)) that involve visits or assignments of foreign nationals to the DoD Components.

5.1.4. Prescribe the format for and prepare the annual report to Congress on the DPEP.

5.1.5. Act as the Executive Agent for Administrative and Professional Exchange Program (APEP) assignments in OSD and the Defense Agencies, and promulgate procedures consistent with reference (i) and this Directive governing the negotiation and conclusion of agreements for such assignments.

5.1.6. Promulgate additional procedures, as necessary, to ensure effective implementation of this Directive.

5.2. The Heads of the DoD Components shall:

5.2.1. Designate, in writing, a senior official to ensure effective implementation of this Directive within their Component.

5.2.2. Establish written procedures and a process at appropriate levels to approve or deny requests for visits by or assignments of foreign nationals covered by this Directive to their Components.

5.2.3. Process and record in the FVS decisions on visits by foreign nationals involving access to classified and controlled unclassified information.

5.2.4. Forward any inquiries on the application of this Directive to the Office of the Deputy Under Secretary of Defense (Policy Support) (ODUSD(PS)).

5.2.5. Ensure that agreements proposed by the Components for the

assignment of exchange personnel and FLOs to overseas locations are coordinated with the appropriate Combatant Commands.

5.2.6. Ensure that any disclosures to be made during visits conducted under the Defense Intelligence Agency-managed FCVP, as defined in enclosure E2., are in accordance with applicable DDLs, or other written guidance approved by a Delegated Disclosure Authority.

5.3. The Secretary of the Navy shall maintain standardized, automated FLO and DPEP Agreement formats.

5.4. The Under Secretary of Defense (Comptroller) shall ensure that proper financial procedures that affect the FLO Program, the DPEP, and the Cooperative Program Personnel assignments are utilized.

5.5. The Under Secretary of Defense for Acquisition and Technology, as the Executive Agent for the ESEP, shall promulgate procedures consistent with DoD Directive 5530.3 (reference (i)) and this Directive governing the negotiation and conclusion of agreements for assignments of qualified foreign exchange engineers and scientists to scientific and technical positions with the DoD Components.

5.6. The Chairman of the Joint Chiefs of Staff shall promulgate procedures consistent with reference (i) and this Directive, when appropriate, governing visits by foreign nationals and assignments of FLOs or foreign exchange personnel to the Combatant Commands.

5.7. The Assistant Secretary of Defense for Command, Control, Communications and Intelligence shall:

5.7.1. Designate the Director, DIA, as the Executive Agent for the FCVP, defined in enclosure E2., and for the Defense Intelligence Personnel Exchange Program (DIPEP).

5.7.2. Direct the Director, DIA, to:

5.7.2.1. Promulgate procedures consistent with DoD Directive 5530.3 (reference (i)) and this Directive governing the negotiation and conclusion of agreements for the assignment of foreign intelligence personnel to the DoD Components under the DIPEP. This responsibility shall be carried out in coordination with the Office of the Assistant Secretary of Defense for Command, Control, Communications and Intelligence;

5.7.2.2. Coordinate and process requests for visits by foreign nationals to OSD, the Offices of the Chairman of the Joint Chiefs of Staff, the Defense Agencies, and the DoD Field Activities, and their contractors, except for those visits approved by the National Security Agency/Central Security Service (NSA/CSS) and/or the immediate offices of the Secretary of Defense and the Deputy Secretary of Defense;

5.7.2.3. Administer, under prescribed agreements by the responsible DoD Component, and in coordination with ODUSD(PS), visit requests and certifications for the assignment of DPEP personnel, Cooperative Program personnel, and FLO personnel to OSD, the Offices of the Chairman of the Joint Chiefs of Staff, the Defense Agencies, and the DoD Field Activities;

5.7.2.4. Promulgate a single DoD Manual to provide the DoD Components and foreign Defense Attachés with standard instructions and formats governing visit requests, document requests, and the processing of FLO, DPEP, and Cooperative Program personnel. The Manual shall be coordinated with the Military Departments, the ODUSD(PS), and the Office of the Chairman of the Joint Chiefs of Staff before publication.

5.7.3. Direct the Director, DSS, to:

5.7.3.1. Establish and oversee security arrangements for visits by and assignment of foreign nationals to cleared contractor facilities when access to classified information is involved;

5.7.3.2. Provide security assessments at the request of the DoD Components on the assignment of Cooperative Program Personnel and FLOs at cleared contractor facilities.

5.8. The Director, National Security Agency/Central Security Service, shall establish, control, and manage a system for administering visits by, and assignments of, foreign nationals to NSA/CSS that adheres to the policies and procedures of this Directive. Visits by and assignments of foreign nationals to NSA/CSS are not required to be processed through DIA nor in the automated FVS described in enclosure E3.

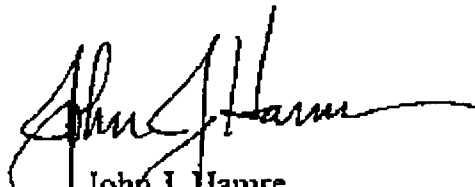
6. INFORMATION REQUIREMENTS

In support of Section 1082 of Public Law 104-201 (reference (b)), the Secretary of

Defense submits annually to Congress a report that includes the costs of the DPEP to the United States, and identifies the appropriation that funded the costs and the agencies and positions that are involved in the exchange program, both within the United States and in the foreign countries. The DoD Components shall submit the required information on their DPEPs for the prior fiscal year to DUSD(PS), using the format at enclosure E8., and any approved revisions thereto, not later than 1 December each year. The information shall be forwarded by the official designated pursuant to paragraph 5.2.1., above, who shall certify that all assignments are in compliance with reference (b) and this Directive.

7. EFFECTIVE DATE

This Directive is effective immediately.



John J. Hamre
Deputy Secretary of Defense

Enclosures - 8

1. References, continued
2. Definitions
3. International Visits Program
4. Foreign Liaison Officer Program
5. Defense Personnel Exchange Program
6. Cooperative Program Personnel
7. Sample Delegation of Disclosure Authority Letter (DDL)
8. Format for Annual Report on Agreements for the Exchange of Defense Personnel Between the United States and Foreign Countries Fiscal Year 19XX

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Title 15, Code of Federal Regulations, Parts 768 et seq., "Export Administration Regulations (EAR)"
- (f) "National Industrial Security Program Operating Manual (NISPOM)," January 1995, authorized by E.O. 12829, National Industrial Security Program, January 6, 1993
- (g) DoD 5105.38-M, "Security Assistance Management Manual," October 1988, authorized by DoD Directive 5105.38, August 10, 1978
- (h) Section 168 of title 10, United States Code, "Military-to-Military Contacts and Comparable Activities"
- (i) DoD Directive 5530.3, "International Agreements," June 11, 1987
- (j) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," June 16, 1992
- (k) DoD 5200.1-R, "Information Security Program Regulation," January 1997, authorized by DoD Directive 5200.1, December 13, 1996
- (l) National Disclosure Policy-1, "National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations" (short title: National Disclosure Policy (NDP-1)), October 1, 1988, as amended
- (m) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
- (n) DoD Directive 5400.7, "DoD Freedom of Information Act (FOIA) Program," September 29, 1997
- (o) DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," February 24, 1997
- (p) Executive Order 12958, "National Security Information," April 20, 1995
- (q) DoD Directive 5100.55, "United States Security Authority for North Atlantic Treaty Organization Affairs," April 21, 1982
- (r) DoD Instruction C-5220.29, "Implementation of the North Atlantic Treaty Organization Industrial Security Procedures (U)," December 15, 1982
- (s) DoD Directive 5200.12, "Conduct of Classified Meetings," July 27, 1992
- (t) The Atomic Energy Act of 1954, as amended
- (u) DoD Directive 1330.9, "Armed Services Exchange Regulations," December 15, 1986
- (v) DoD Directive 1330.17, "Military Commissaries," March 13, 1987

(w) Joint Travel Regulations, Volume 2, "Department of Defense Civilian Personnel,"
current edition

¹ Provided to Designated Disclosure Authorities on a need-to-know basis by the Director, International Security Programs,
ODUSD(PS).

E2. ENCLOSURE 2

DEFINITIONS

E2.1. TERMS

Following are the definitions:

E2.1.1. Attaché. A diplomatic official or military officer attached to an embassy or legation, especially in a technical capacity.

E2.1.2. Certification. Formal recognition by a DoD Component of a working relationship with a representative of a foreign government (e.g., a FLO) for specified purposes and on a recurring basis over an agreed period of time.

E2.1.3. Classified Military Information. Information originated by or for the Department of Defense or its Agencies or under their jurisdiction or control, which requires protection in the interest of national security. It is designated TOP SECRET, SECRET, or CONFIDENTIAL as described in E.O. 12958 (reference (p)) or subsequent order. Classified military information may be in oral, visual, or material form. DoD Directive 5230.11 (reference (j)) further defines the eight categories into which classified military information has been subdivided.

E2.1.4. Contact Officer. A DoD official designated in writing to oversee and control all contacts, requests for information, consultations, access, and other activities of foreign nationals who are assigned to, or are visiting, a DoD Component or subordinate organization. In the case of DPEPs, the host supervisor may be the contact officer.

E2.1.5. Controlled Unclassified Information. Unclassified information to which access or distribution limitations have been applied in accordance with national laws, policies, and regulations of the originating country. It includes U.S. information that is determined to be exempt from public disclosure in accordance with DoD Directives 5230.25 and 5400.7 (references (m) and (n)) or that is subject to export controls in accordance with the ITAR (reference (d)) or the EAR (reference (e)).

E2.1.6. Cooperative Program. A program for research, development, test, evaluation, and/or production that is not implemented under the Security Assistance Program.

E2.1.7. Cooperative Program Personnel. Foreign government personnel, assigned to a multinational program office that is hosted by a DoD Component pursuant to the terms of a Cooperative Program International Agreement, who report to and take direction from a DoD-appointed Program Manager (or Program Manager equivalent) for the purpose of carrying out the multinational project or program. Foreign government representatives described in such agreements as liaison officers or observers are not considered Cooperative Program Personnel and shall be treated as FLOs in accordance with this Directive.

E2.1.8. Defense Personnel Exchange Program (DPEP). A program under which military and civilian personnel of the Department of Defense and military and civilian personnel of the defense ministries and/or military services of foreign governments, pursuant to the terms of an international agreement, occupy positions with and perform functions for a host organization to promote greater understanding, standardization, and interoperability.

E2.1.9. Delegation of Disclosure Authority Letter (DDL). A letter issued by the appropriate Designated Disclosure Authority describing classification levels, categories, scope, and limitations related to information under a DoD Component's disclosure jurisdiction that may be disclosed to specific foreign governments or their nationals for a specified purpose.

E2.1.10. Designated Disclosure Authority (DDA). An official, designated by the Head of a DoD Component or by that DoD Component's Principal Disclosure Authority, who has been delegated disclosure authority in accordance with DoD Directive 5230.11 (reference (j)), to control disclosures by subordinate commands or staff elements of classified military information to foreign governments and their nationals and to international organizations.

E2.1.11. Executive Agent. The DoD Component office or organization that has overall responsibility and oversight for a foreign exchange agreement.

E2.1.12. Foreign Exchange Personnel. Military or civilian officials of a foreign defense establishment (i.e., a DoD equivalent) who are assigned to a DoD Component in accordance with the terms of an exchange agreement and who perform duties, prescribed by a position description, for the DoD Component.

E2.1.13. Foreign Counterpart Visit Program (FCVP). A program managed by Director, DIA, for coordinating all hosted visits by foreign government counterparts to

the Secretary of Defense, Deputy Secretary of Defense, Chairman of the Joint Chiefs of Staff, and Vice Chairman of the Joint Chiefs of Staff.

E2.1.14. Foreign Interest. Any foreign government, agency of a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized, chartered or incorporated under the laws of any country other than the United States or its possessions and trust territories; and any person who is not a citizen or national of the United States.

E2.1.15. Foreign Representative. Any foreign interest or representative of a foreign interest.

E2.1.16. Foreign Liaison Officer (FLO). A foreign government military member or civilian employee who is authorized by his or her government, and is certified by a DoD Component, to act as an official representative of that government in its dealings with a DoD Component in connection with programs, projects or agreements of interest to the governments. There are three types of FLOs:

E2.1.16.1. Security Assistance. A foreign government representative who is assigned to a DoD Component or contractor facility pursuant to a requirement that is described in a Foreign Military Sales Letter of Offer and Acceptance.

E2.1.16.2. Operational. A foreign government representative who is assigned to a DoD Component pursuant to a documented requirement to coordinate operational matters, such as combined planning or training and education.

E2.1.16.3. National Representative. A foreign government representative who is assigned to his or her national embassy or legation in Washington, DC (e.g., an attaché), to conduct liaison activities with the Department of Defense and the DoD Components.

E2.1.17. Foreign National. A person who is not a citizen or national of the United States.

E2.1.18. Foreign Visits System (FVS). The automated system, operated by the Office of the Under Secretary of Defense (Policy) (OUSD(P)), that provides staffing and data base support for processing requests for visits by foreign nationals to DoD activities and defense contractors. FVS consists of an unclassified segment that allows the on-line submission of visit requests from Embassies in Washington, DC, and, in some cases, directly from foreign governments overseas. FVS also has a classified segment that provides staffing, decision-making support, and data base

capabilities to the Military Departments and DIA.

E2.1.19. Hosted Visit. A visit by official nationals of a foreign government under the auspices of an invitation that is extended by a DoD official.

E2.1.20. International Visits Program (IVP). The program that is established to process visits by and assignments of foreign nationals to the DoD Components and DoD contractor facilities. It is designed to ensure that classified and controlled unclassified information to be disclosed to them has been properly authorized for disclosure to their governments, to ensure that the requesting foreign government provides a security assurance on the individuals when classified information is involved in the visit or assignment, and to facilitate administrative arrangements (e.g., date, time, and place) for the visit or assignment.

E2.1.21. Managing Agent. The DoD Component to which foreign exchange personnel will be assigned. The Managing Agent negotiates specific personnel exchanges and places the individual foreign exchange personnel in the designated positions; ensures that foreign exchange activities are conducted in accordance with the applicable foreign exchange agreement, the applicable position description, and applicable laws and regulations; obtains disclosure authorization from the appropriate DDA; maintains the record for each foreign exchange position, to include a copy of the position description; approves amendments to position descriptions; and reports the status of their Component's foreign exchanges to the Executive Agent. For the Military Personnel Exchange Program (MPEP), the Executive Agent executes the duties of both the Executive Agent and the Managing Agent.

E2.1.22. Meeting. Any conference, seminar, symposium, exhibit, convention, training course, or other gathering during which classified or controlled unclassified information is disclosed.

E2.1.23. Security Assurance. The written confirmation, requested by and exchanged between governments, of the security clearance level or eligibility for clearance of their national contractors and citizens. It also includes a statement by a responsible official of a foreign government or international organization that the recipient of U.S. classified military information possesses the requisite security clearance. It also indicates that the original recipient is approved by his or her government for access to information of the security classification involved and that the recipient government will comply with security requirements specified by the United States.

E2.1.24. Security Policy Automation Network (SPAN). A wide area computer network sponsored by the OUSD(P) consisting of a DoD-wide SECRET-high classified network and a separately supported unclassified network that supports communications and coordination among DoD activities on foreign disclosure, export control, and international arms control and cooperation subjects.

E2.1.25. Training. Formal or informal instruction of foreign nationals in the United States or overseas by:

E2.1.25.1. Officers or employees of the United States, contract technicians, or contractors (including instruction at civilian institutions); or

E2.1.25.2. Correspondence courses; technical, educational, or information publications and media of all kinds; training aids; orientation; training exercise; and military advice to foreign military units and forces (including their military and civilian personnel).

E2.1.26. Visit Authorization. There are three types of visit authorizations:

E2.1.26.1. A ONE-TIME VISIT AUTHORIZATION permits contact by a foreign national with a DoD Component or DoD contractor facility for a single, short-term occasion (normally less than 30 days) for a specified purpose.

E2.1.26.2. A RECURRING VISIT AUTHORIZATION permits intermittent visits by a foreign national to a DoD Component or DoD contractor facility over a specified period of time for a Government-approved license, contract or agreement, or other program when the information to be released has been defined and approved for release in advance by the U.S. Government.

E2.1.26.3. An EXTENDED VISIT AUTHORIZATION permits a single visit by a foreign national for an extended period of time. Extended visit authorizations are to be used when a foreign national is required to be in continuous contact with a DoD Component or a DoD contractor facility beyond 30 days for one of the following situations:

E2.1.26.3.1. A foreign government contract or joint program (e.g., joint venture, representative to a joint or multinational program);

E2.1.26.3.2. FLOs assigned or certified to a DoD Component(s) subject to compliance with enclosure E4. of this Directive;

E2.1.26.3.3. Participation in an exchange program under the DPEP, subject to compliance with enclosure E5. of this Directive;

E2.1.26.3.4. Cooperative Program Personnel assigned to a DoD Component subject to compliance with enclosure E6. of this Directive;

E2.1.26.3.5. Training, except those individuals on Invitational Travel Orders.

E3. ENCLOSURE 3
INTERNATIONAL VISITS PROGRAM

E3.1. GENERAL

E3.1.1. Control of Visitors. Visits by foreign nationals to the DoD Components and DoD contractor facilities shall be controlled to ensure that the visitors receive access to only that classified and controlled unclassified information authorized for disclosure to their government by a disclosure official designated in accordance with DoD Directive 5230.11 (reference (j)). Classified information shall not be disclosed to a foreign national unless the appropriate Delegation of Disclosure Authority has received a security assurance from that person's government.

E3.1.2. Documentary Transfers. Classified documentary information may not be transferred to any foreign national unless the related security assurance specifically states that the individual may assume custody on behalf of the foreign government. A receipt must be obtained for classified material provided to foreign nationals, regardless of its classification level.

E3.1.3. FVS. Requests for visits submitted by foreign governments shall be submitted and processed using the FVS. Requests for visits by governments that do not participate in the FVS shall be submitted directly to the applicable Military Department or the DIA, which shall enter and process the request in the FVS.

E3.2. PROCEDURES

E3.2.1. One-Time Visit Authorizations. Requests for one-time visits shall be used to document visits to the DoD Components or DoD contractor facilities for a specified purpose, which are normally accomplished in fewer than 30 days. Authorizations expire on the end of visit date unless extended by an amendment. Upon approval of the request, visitors may arrange visit details directly with the facility to be visited.

E3.2.2. Recurring Visit Authorizations. Recurring visit authorizations shall be established to support intermittent, recurring visits associated with approved programs, such as agreements, contracts, or licenses. Authorizations may be valid for the duration of the program, subject to annual review and revalidation. Upon approval of the initial request, individual visits may be arranged directly with the facility to be

visited. The lists of visiting personnel and facilities to be visited shall be reviewed and updated annually.

E3.2.3. Extended Visit Authorizations. Extended visit authorizations shall be used in circumstances described in subparagraph E2.1.26.3. of enclosure E2. They also may be used for the assignment of a foreign contractor's employees if the foreign contractor is under contract to the DoD Component, and performance on the contract requires assignment of the employees to the DoD Component or DoD contractor facility. The authorization may be valid for the duration of the program, assignment, or certification, subject to annual review and revalidation.

E3.2.4. Hosted Visit. Before issuing an invitation, DoD officials shall ensure that the DDA approves any classified information that is to be disclosed. To facilitate arrangements for these visits, DoD officials who extend such invitations shall notify their designated visitor control office of the invitation. They also should advise the invitees that security assurances must be submitted through their embassy before the visit, using the type of visit request prescribed in paragraph E2.1.26. of enclosure E2.

E3.2.5. Visits by Foreign National Employees of U.S. Defense Contractors. Visits by such employees to the DoD Components or to other DoD contractor facilities on official business do not require the submission of a visit request through foreign government channels. The visit will be processed in compliance with the NISPOM (reference (f)). Access to export-controlled technical data by foreign national employees of U.S. contractors is authorized in accordance with an export license or by other written U.S. Government authorization that is obtained by the employing contractor. When these employees visit another contractor facility or a DoD Component, the employing facility should provide a copy of the export license or other written authorization to the security office or DDA, as applicable, at the facility to be visited.

E3.2.6. Visits by Representatives of the North Atlantic Treaty Organization (NATO)

E3.2.6.1. One-time or recurring visits by representatives of NATO Commands or Agencies, or the NATO International Staff, that involve access to NATO classified information, shall be processed under United States Security Authority for North Atlantic Treaty Organization Affairs (USSAN) Instruction 1-69 (enclosure E2. of DoD Directive 5100.55 (reference (q))). Recurring visits related to NATO Production and Logistics Organization or NATO Industrial Advisory Group activities shall be processed under USSAN Instruction 1-70 (enclosure to DoD

Instruction C-5220.29 (reference (r))).

E3.2.6.2. Visits by representatives of a NATO Command or Agency or the NATO International Staff, including U.S. citizens assigned to NATO positions that involve access to U.S. classified information, shall be processed in accordance with the requirements of this Directive.

E3.2.7. Visits for Foreign Participation in U.S. Procurement-Related Meetings. Potential foreign attendance must be assumed when planning for meetings that may lead to contract opportunities for nations with which the United States has reciprocal procurement agreements. Security requirements for classified meetings shall be in accordance with DoD 5200.1-R and DoD Directive 5200.12 (references (k) and (s)). The following procedures also apply:

E3.2.7.1. The DoD Components should determine the extent to which classified information may be involved throughout the life cycle of a program before the announcement of a procurement action. Decisions on disclosures of classified information shall be in accordance with DoD Directive 5230.11 (reference (j)). The extent of foreign attendance at meetings related to the announced procurement action will be contingent upon the disclosure decision. If attendance by foreign nationals is permitted, any classified information to be disclosed must be at a level authorized for release to the governments of all foreign nationals that are present.

E3.2.7.2. The Head of the DoD Component conducting the meeting, or a senior designee, shall approve any denials of a specific appeal for attendance at such meeting by a government with which the Department of Defense has a reciprocal procurement agreement.

E3.2.8. The DoD Components Supported by the DIA shall:

E3.2.8.1. Obtain a disclosure authorization from the originating department or agency for the release of any classified or controlled unclassified information that is not under the DoD Component's disclosure jurisdiction. This shall be done before notifying the DIA of the acceptance of a visit by foreign nationals that will involve access to such information.

E3.2.8.2. Notify the DIA Foreign Liaison Office, when they extend invitations to foreign nationals for a hosted visit to their organization, so that DIA can obtain the necessary security assurances in advance of the visit.

E3.2.9. DoD-Approved Visits to DoD Contractor Facilities. DoD-approved

visits (i.e., DoD-sponsored visits) by foreign nationals to DoD contractor facilities may or may not constitute an exemption to the licensing requirements of the ITAR and the EAR (references (d) and (e)). DoD-sponsored visits shall not be used to circumvent the licensing requirements of the ITAR. Therefore, the DoD Components shall:

E3.2.9.1. Approve the request for a visit and provide disclosure guidance if it is in support of an actual or planned U.S. Government program (this approval turns the visit into a sponsored visit); or,

E3.2.9.2. If the proposed visit is not in support of a U.S. Government program, the DoD Component shall deny the request and notify the requester and applicable DoD contractor that arrangements for the visit may be made directly between the requester and the DoD contractor, provided the DoD contractor has or obtains an export license, if required by references (d) or (e), for any export-controlled technical data that may be disclosed and the necessary security assurance has been provided; or,

E3.2.9.3. Deny the request for the visit if it is determined that the information associated with the proposed visit cannot be authorized for disclosure, and notify the requester and the applicable DoD contractor of the decision. The denial of the request does not prevent the contractor from accepting the visit provided the contractor has an export license for other controlled U.S. information to be disclosed.

E4. ENCLOSURE 4
FOREIGN LIAISON OFFICER PROGRAM

E4.1. GENERAL

E4.1.1. Certification of a FLO does not bestow diplomatic or other special privileges, even though certified FLOs who also have attaché status may have diplomatic accreditation by the Department of State. Reciprocity is not required for liaison officer assignments.

E4.1.2. FLOs may assume custody of releasable documentary information to act as couriers only when they are authorized in writing by their government to assume responsibility as an agent of their government. They may have access only to that information that is authorized for release to their government.

E4.1.3. When FLOs are physically assigned to U.S. installations in a Security Assistance or Operational capacity, an agreement containing provisions concerning such matters as responsibilities and obligations of the parties, authorized activities, security requirements, financial arrangements and claims, must be executed. The requirement may be satisfied by a specific program agreement or an umbrella-type agreement for a single country containing annexes for various assignments that are negotiated pursuant to DoD Directive 5530.3 (reference (i)), or, in the case of Security Assistance FLOs, an LOA that contains the equivalent provisions. The program agreement or LOA shall use as a basis the model agreement or model provisions approved by the DUSD(PS).

E4.1.4. FLOs' activities shall be limited to representational responsibilities for their government as described in the certification; they may not perform activities that are a responsibility of an employee of the organization to which assigned or represent the organization in any capacity, nor shall they perform activities or duties performed by DPEP personnel.

E4.1.5. When the assignment of Security Assistance FLOs is accomplished pursuant to an LOA, the U.S. Government contract that implements the LOA shall require the contractor to place appropriate controls on the activities of the FLO to limit access only to information that is related to the contract and that has been authorized for release to the FLO's government by an appropriate DoD authority.

E4.1.6. If foreign nationals are to be assigned to a U.S. defense contractor facility under a commercial contract, the contractor must obtain an export license for such assignment, if required by the ITAR (reference (d)), and comply with the NISPOM (reference (f)).

E4.2. PROCEDURES

E4.2.1. Certification Requirements. The following information shall be provided by foreign governments with their requests for DoD certification of FLOs:

E4.2.1.1. A statement by the sponsoring government that the proposed FLO is an officially sponsored representative of that government.

E4.2.1.2. Documentation describing the legal status of the proposed FLO (including any privileges and immunities to which the FLO is entitled) and sponsoring government responsibilities.

E4.2.1.3. A statement by the sponsoring government that the proposed FLO is authorized by the sponsoring government to conduct business with the Department of Defense for purposes that must be described, citing related agreements, contracts, or other arrangements that establish the need for the assignment.

E4.2.1.4. An assurance by the sponsoring government that the proposed FLO holds a specified level of security clearance.

E4.2.1.5. A statement by the sponsoring government on whether the proposed FLO may assume custody of documentary information to act as a courier on behalf of the sponsoring government.

E4.2.1.6. An assurance that the sponsoring government will be responsible for any U.S. classified or controlled unclassified information provided to the proposed FLO.

E4.2.2. Dress and Identification. FLOs shall wear their uniforms, if they are military personnel, or, if civilian, wear appropriate civilian attire. They also must wear, in clear view, a DoD building or installation pass or badge that clearly identifies them as foreign nationals. Because FLOs represent their government, they may not be provided name tags, e-mail addresses, codes or titles that could be interpreted to infer or imply that they are U.S. Government personnel.

E4.2.3. Compliance. While assigned to a DoD installation, the FLOs will be required to comply with all DoD, Service, command, and local installation rules and regulations.

E4.2.4. Costs. All costs associated with the placement of a FLO at a DoD installation are the responsibility of the FLO's parent organization, including travel, office space, clerical support, quarters, rations, and medical and dental services, unless specifically stated otherwise in an applicable international agreement.

E5. ENCLOSURE 5

DEFENSE PERSONNEL EXCHANGE PROGRAM

E5.1. GENERAL

E5.1.1. Background. The DPEPs are designed to foster mutual understanding between the defense establishments of each party by providing exchange personnel familiarity with the organization, administration, and operations of the other defense establishments. All such personnel exchange programs established by the DoD Components constitute the DPEP.

E5.1.2. Scope. The DPEP encompasses all programs that involve the assignment of foreign nationals to positions with the DoD Components in exchange for the assignment of DoD personnel to positions with foreign government defense establishments, and includes the following:

E5.1.2.1. MPEP involving the assignment of military personnel to authorized positions with the Military Departments.

E5.1.2.2. APEP involving the assignment of civilian and military specialist personnel to administrative, logistics, finance, health, legal, and planning positions within OSD and Defense Agencies.

E5.1.2.3. ESEP involving the assignment of civilian and military engineers and scientists to DoD research, development, test, and evaluation facilities to conduct research, development, test and evaluation work.

E5.1.2.4. DIPEP involving the assignment of military intelligence analysts within the DoD intelligence community.

E5.2. PROCEDURES

E5.2.1. Personnel. Personnel assigned to DPEP positions shall be military members or civilian employees of the participating DoD Component and the counterpart foreign government defense organization.

E5.2.2. Purpose. The DPEP agreements may be negotiated to foster better understanding on the part of the parties regarding the organization and management of

defense programs and operations, while using the specified expertise of the participating exchange personnel. The criteria in subsection E5.2.8., below, shall be considered before making commitments for the negotiation of a DPEP agreement.

E5.2.3. Reciprocity. The DPEP agreements shall provide for the reciprocal assignment of DoD personnel to substantially equivalent positions within the defense establishment of the other participating government. Requests for an assignment on a non-reciprocal basis shall be forwarded to the DUSD(PS) for approval.

E5.2.4. Limitations. The assignment of foreign exchange personnel shall not be used for training foreign personnel in violation of DoD 5105.38-M (reference (g)) or instead of, or in combination with, FLO certification. Pursuant to Section 1082 of Public Law 104-201 (reference (b)), training may not be conducted under the DPEP except as necessary to familiarize, orient, or certify DPEP personnel regarding unique aspects of the positions to which they are assigned. The DPEP shall not be used for the purpose of augmenting DoD staff positions or as a means to obtain personnel resources beyond authorized manning levels. The DPEP may not be used as a mechanism for exchanging technical data or other controlled information between the governments. Information exchanges shall be governed by an agreement designed for that purpose (e.g., cooperative research and development, or data exchange agreements).

E5.2.5. Executive Agents and Managing Agents. The DoD officials who are designated as Executive Agents may appoint Managing Agents to conduct negotiations and to administer a program for a specific country or group of countries. In such case, the Managing Agents shall approve specific exchanges conducted under an agreement or an annex to an agreement and perform the responsibilities described at paragraph E2.1.21. of enclosure E2. Notwithstanding any such appointment, the Executive Agent retains overall responsibility for the program management and administration.

E5.2.6. Restrictions on Exchange Personnel

E5.2.6.1. Foreign exchange personnel shall not act in the dual capacity as a DPEP participant and as a representative of their government (e.g., a FLO) while assigned to a DoD Component.

E5.2.6.2. Foreign exchange personnel shall not serve as conduits between the Department of Defense and their government for requests and transmissions of classified and controlled unclassified information.

E5.2.6.3. Foreign exchange personnel shall not be assigned to command or other positions that would require them to exercise responsibilities that are reserved by law or regulation to an officer or employee of the U.S. Government. They shall not, for example, perform responsibilities of a contracting officer's technical representative (COTR), component duty officer, classified document custodian or security officer, escort for foreign nationals, or perform other official acts as a representative of the DoD Component.

E5.2.6.4. Foreign exchange personnel shall not be permitted to commence duty in positions that could result in their access to classified or controlled unclassified information that has not been authorized for release to their government.

E5.2.6.5. Foreign exchange personnel shall not be assigned to DoD contractor facilities.

E5.2.7. Information Access

E5.2.7.1. Foreign exchange personnel shall not have uncontrolled access to restricted areas or to the following types of information:

E5.2.7.1.1. RESTRICTED DATA and FORMERLY RESTRICTED DATA as defined by the Atomic Energy Act of 1954, as amended (reference (t)).

E5.2.7.1.2. Information systems security information.

E5.2.7.1.3. Classified or controlled unclassified information provided by another government, or an international organization, unless access is approved in writing by the originating government or organization.

E5.2.7.1.4. Compartmented information, unless specifically authorized by a separate government-to-government agreement.

E5.2.7.1.5. Information bearing a special handling notice that restricts access, except when authorized by the originator.

E5.2.7.1.6. Any other classified information that has not been authorized for release to the exchange person's government by the responsible DDA of the originating Department or Agency.

E5.2.7.2. Disclosure guidance, in the form of a DDL or an equivalent

document containing the information listed in enclosure E7., shall be established for each exchange position. The DDL shall be prepared by the host supervisor, in collaboration with the DoD Component DDA, and shall accompany the request to establish a DPEP position. DUSD(PS) will approve the DDL for OSD, the Chairman of the Joint Chiefs of Staff, and the Defense Agency positions. The DDL for the Military Department positions shall be approved by the DDA of the appropriate Military Department. Commitments shall not be made on a specific exchange position until the DDL is approved for that position.

E5.2.7.3. Foreign exchange personnel shall not have personal custody of classified or controlled unclassified information. They may have access to the information during normal duty hours at the place of assignment when access is necessary to perform the functions in their position descriptions, if the information is authorized for disclosure pursuant to the DDL or other disclosure guidance. They may not have unsupervised access to classified libraries or operations centers, or to document catalogues unless the information therein is releasable to the public.

E5.2.8. DPEP Criteria. The DoD Components shall consider the following criteria before establishing a DPEP position and shall discuss them in their requests for authority to negotiate an exchange agreement:

E5.2.8.1. Likely political or military advantage to be gained.

E5.2.8.2. Ability to adequately use a foreign exchange person in the organization considering the policy and access limitations and security requirements described in this enclosure.

E5.2.8.3. Financial costs to the U.S. Government.

E5.2.8.4. Other military arrangements with the country and the results of those arrangements.

E5.2.8.5. Reciprocity, particularly the ability of the DoD Component to assign a U.S. person in a similar capacity within the defense establishment of the other country.

E5.2.9. Authorized Billets. Foreign exchange personnel normally shall serve in authorized personnel billets. Exceptions to this policy (e.g., use of authorized over-strength positions) may be authorized by the Head of the concerned DoD Component if the assignment will result in significant military or political benefits to the Department of Defense.

E5.2.10. Position Description. A position description shall be prepared for each exchange position. The position description shall contain as a minimum:

E5.2.10.1. The title of the position.

E5.2.10.2. The position location.

E5.2.10.3. Qualification and skills required.

E5.2.10.4. Description of specific duties of the position.

E5.2.10.5. Security clearance level required.

E5.2.11. Content of DPEP Agreement. DPEP agreements shall use as a basis the "model DPEP agreements" approved by DUSD(PS) and shall cover the following issues:

E5.2.11.1. Type of exchange positions to be established (e.g., engineer and scientist, administrative and professional).

E5.2.11.2. Length of tour.

E5.2.11.3. Financial responsibilities (e.g., travel, salary, etc.) and use of government facilities and equipment.

E5.2.11.4. Entitlements (e.g., commissary and exchange privileges for authorized persons in accordance with DoD Directives 1330.9 and 1330.17 (references (u) and (v)), medical care, etc.) and use of government facilities and equipment.

E5.2.11.5. Status of assigned personnel, to include privileges and exemptions, liabilities and claims.

E5.2.11.6. Security.

E5.2.11.7. Disciplinary matters.

E5.2.11.8. Administrative matters and oversight responsibilities (e.g., leave, dress, reviews, and performance reports).

E5.2.12. Administrative and Operational Control. Foreign exchange personnel shall remain under the administrative control (e.g., pay, performance appraisals,

disciplinary actions) of their parent governments. They shall be under the operational control of the host DoD Component to which they are assigned. They may participate in the functions of the host DoD Component consistent with security considerations and the limitations described in this enclosure.

E5.2.13. Financial Responsibilities

E5.2.13.1. The costs of participation in the DPEP shall be borne, in accordance with applicable laws and regulations, by either the participant's parent organization or by the participant, except that travel and per diem costs for travel performed in connection with assigned duties within the host country shall be paid by the organization requesting or directing such travel.

E5.2.13.2. Costs to be borne by the Department of Defense for its exchange personnel assigned abroad shall only include salary, and, in accordance with the DoD JTR, volume 2 (reference (w)), either permanent change of station (PCS) entitlements (for the employees and their dependents) or long-term temporary duty entitlements. DoD civilian personnel who perform a PCS move shall agree in writing to complete the entire period of the assignment or one year, whichever is shorter, unless separated or reassigned at the request of the Department of Defense.

E5.2.14. Supervisor Responsibilities. The DoD officials designated to supervise foreign exchange personnel shall:

E5.2.14.1. Ensure that the foreign exchange personnel understand the duties to be performed in the position to which they are assigned.

E5.2.14.2. Ensure that the foreign exchange personnel are provided access only to that classified and controlled unclassified information that has been authorized for release to their government in the DDL that is required to perform the duties of the position.

E5.2.14.3. Ensure that coworkers are informed of the limitations on access to information by the exchange personnel and their responsibilities in dealing with them.

E5.2.14.4. Inform the foreign exchange personnel of their obligations, rights, and responsibilities.

E5.2.15. Identification

E5.2.15.1. Dress. Foreign exchange personnel shall wear their uniforms if

they are military members, or, if civilian, appropriate civilian attire. They shall wear, in clear view, a DoD building or installation pass or badge that clearly identifies them as foreign nationals.

E5.2.15.2. Status. Any other identification (including organizational code, title, signature block, office nameplate, or e-mail address) used by or issued to foreign exchange personnel by the host DoD Component shall clearly identify the person's status as a foreign national.

E5.2.16. Certification of Conditions and Responsibilities

E5.2.16.1. Foreign exchange personnel must sign a certification similar to the sample in attachment E5.A1. before being assigned to the host DoD Component.

E5.2.16.2. Foreign exchange personnel assigned to positions that might provide access to technical data also must sign a certification similar to the sample in attachment E5.A2. governing the rights of the individuals and the Department of Defense on inventions and rights in property.

Attachments - 2

1. Certification of Conditions and Responsibilities for DPEP Personnel
2. Commitment Regarding Inventions Made and Technical Information Developed by Visiting Engineers and Scientists

E5.A1. ATTACHMENT 1 TO ENCLOSURE 5

CERTIFICATION OF CONDITIONS AND RESPONSIBILITIES
FOR DPEP PERSONNEL

I understand and acknowledge that I have been accepted for assignment to (insert name and location of organization to which assigned) pursuant to an agreement between the (insert applicable military service or organization) of the United States and the (insert applicable foreign military organization) of (insert country name). In connection with this assignment, I further understand, acknowledge, and certify that I shall comply with the following conditions and responsibilities:

1. The purpose of the assignment is to gain knowledge of the organization and management of Host Party (cite applicable area for DPEP assignment) defense activities. There shall be no access to information except as required to perform the duties described in the position description of the position to which I am assigned, as determined by my designated supervisor.
2. I shall perform only functions which are properly assigned to me as described in the position description (PD) for my assignment and shall not act in any other capacity on behalf of my government or my Parent Party or Parent Organization.
3. All information to which I may have access during this assignment shall be treated as information provided to my government in confidence and shall not be further released or disclosed by me to any other person, firm, organization or government without the prior written authorization of the Host Party.
4. When dealing with individuals outside of my immediate office of assignment on official matters, I shall inform such individuals that I am a foreign exchange person.
5. I have been briefed on, understand, and shall comply with all applicable security regulations of the Host Party and the Host Organization.

6. I will immediately report to my designated supervisor all attempts to obtain classified, proprietary or controlled unclassified information to which I may have access as a result of this assignment.

(Typed Name)

(Signature)

(Rank/Title)

(Date)

E5.A2. ATTACHMENT 2 TO ENCLOSURE 5

COMMITMENT REGARDING INVENTIONS MADE AND TECHNICAL
INFORMATION DEVELOPED BY VISITING ENGINEERS AND SCIENTISTS

COMMITMENT TO HOST PARTY

In consideration for being selected to participate in the U.S.-(insert country name) Defense Personnel Exchange Program, I hereby grant to the Host Party a worldwide, non-transferable, irrevocable, non-exclusive, royalty-free license to practice (make, use, or sell) inventions (whether patentable or not patentable) and unlimited use and reproduction rights in technical information, which inventions are made (either conceived or reduced to practice) by me or which technical information is developed by me during the period of and as a result of my participation in this Program.

Additionally, to secure the rights granted above, I hereby grant to the Host Party the right to prosecute or to have prosecuted patent applications on the above mentioned inventions in any country for which the Parent Party or I choose not to prosecute a patent application.

Signature of DPEP Officer

E6. ENCLOSURE 6

COOPERATIVE PROGRAM PERSONNEL

E6.1. GENERAL

E6.1.1. Background. Foreign nationals may be assigned to multinational program offices that are hosted by the DoD Components as part of an international management team responsible for the implementation of a multinational project or program.

E6.1.2. Scope. Only foreign government personnel assigned to an international program office, hosted by a DoD Component pursuant to the terms of a Cooperative Program International Agreement, who report to and take direction from a DoD-appointed U.S. Program Manager (or Program Manager equivalent) shall be accorded the treatment described in this enclosure. Foreign government representatives described in such Agreements as liaison officers or observers are not considered Cooperative Program Personnel and shall be treated as FLOs in accordance with enclosure E4. of this Directive.

E6.2. PROCEDURES

E6.2.1. Personnel. Foreign nationals assigned to Cooperative Program Personnel positions shall be military members or civilian employees of the counterpart foreign government defense organization.

E6.2.2. Restrictions on Cooperative Program Personnel

E6.2.2.1. Cooperative Program Personnel shall not act in the dual capacity as an official or employee in the multinational project office and as a liaison officer for their government (e.g., FLO) while assigned to a DoD Component.

E6.2.2.2. Cooperative Program Personnel shall not serve as conduits between the Department of Defense and their government for requests and transmissions of classified and controlled unclassified information. Any such transmissions shall be carried out in accordance with the Program Security Instruction.

E6.2.2.3. Cooperative Program Personnel shall not be assigned to command or other positions that would require them to exercise responsibilities that are reserved

by law or regulation to an officer or employee of the U.S. Government. They shall not, for example, perform responsibilities of a COTR, component duty officer, classified document custodian or security officer, escort for foreign nationals, or perform other official acts as a representative of the DoD Component.

E6.2.2.4. Cooperative Program Personnel shall not be assigned to positions that could result in their access to classified or controlled unclassified information that has not been authorized for release to their government.

E6.2.3. Information Access

E6.2.3.1. Cooperative Program Personnel shall not have uncontrolled access to restricted areas or to the following types of information:

E6.2.3.1.1. RESTRICTED DATA and FORMERLY RESTRICTED DATA as defined by the Atomic Energy Act of 1954, as amended (reference (t)).

E6.2.3.1.2. Information systems security information.

E6.2.3.1.3. Classified or controlled unclassified information provided by a non-participating government, or international organization, unless access is approved in writing by the originating government or organization.

E6.2.3.1.4. Compartmented information, unless specifically authorized by a separate government-to-government agreement.

E6.2.3.1.5. Information bearing a special handling notice that restricts access, except when authorized by the originator.

E6.2.3.1.6. Any other classified information that has not been authorized for release to the Cooperative Program Personnel's government by the responsible DDA of the originating Department or Agency.

E6.2.3.2. Disclosure guidance in the form of a DDL, or equivalent document that contains the information listed in enclosure E7., shall be established for each Cooperative Program position. DUSD(PS) will approve the DDL Disclosure Guidance for OSD, the Chairman of the Joint Chiefs of Staff and the Defense Agency positions. The DDL or other approved Disclosure Guidance for the Military Department positions shall be approved by the DDA of the appropriate Military Department. Cooperative Program Personnel shall not assume any positions until the DDL or equivalent document is approved for that position.

E6.2.3.3. Cooperative Program Personnel shall not have personal custody of classified or controlled unclassified information. They may have access to the information during normal duty hours at the place of assignment when access is necessary to perform their multinational program or project functions under the applicable Cooperative Program International Agreement, if the information is authorized for disclosure pursuant to the DDL, or other disclosure guidance containing the information listed in enclosure E7. They may not have unsupervised access to classified libraries or operations centers, or to document catalogues, unless the information therein is releasable to the public.

E6.2.4. Administrative and Operational Control. Cooperative Program Personnel shall remain under the administrative control (e.g., pay, disciplinary actions) of their government. They shall be under the operational control of the host DoD Component through the Program Manager (or Program Manager equivalent) for the multinational project or program to which they are assigned. They may participate in the functions of the host DoD Component consistent with security considerations and the limitations described in this enclosure.

E6.2.5. Supervisor Responsibilities. The DoD Program Manager (or Program Manager equivalent) designated to supervise Cooperative Program Personnel shall:

E6.2.5.1. Ensure that the Cooperative Program Personnel understand the duties to be performed in the position to which they are assigned.

E6.2.5.2. Ensure that the Cooperative Program Personnel are provided access only to that classified and controlled unclassified information that has been authorized for release to their government by the DDL, or other disclosure guidance containing the information listed in enclosure E7.

E6.2.5.3. Ensure that coworkers are informed of the limitations on access to information by the Cooperative Program Personnel and their responsibilities in dealing with them.

E6.2.5.4. Inform the Cooperative Program Personnel of their obligations, rights and responsibilities and ensure they sign the certifications in attachments E6.A1. and E6.A2.

E6.2.6. Position Description. A position description shall be prepared for each Cooperative Program position. The position description shall contain as a minimum:

E6.2.6.1. The title of the position.

E6.2.6.2. The position location.

E6.2.6.3. Qualification and skills required.

E6.2.6.4. Description of specific duties of the position.

E6.2.6.5. Security clearance level required.

E6.2.7. Content of Cooperative Program International Agreement. The Cooperative Program International Agreement, or an annex or implementing arrangement thereto, shall cover the following issues:

E6.2.7.1. Type of positions to be established.

E6.2.7.2. Length of tour.

E6.2.7.3. Financial responsibilities (e.g., travel, salary, etc.) and use of government facilities and equipment.

E6.2.7.4. Entitlements (e.g., commissary privileges, medical care, etc.).

E6.2.7.5. Status of assigned personnel, to include privileges and exemptions, liabilities and claims.

E6.2.7.6. Security.

E6.2.7.7. Disciplinary matters.

E6.2.7.8. Administrative matters and oversight responsibilities (e.g., leave, dress, reviews, and performance reports).

E6.2.8. Identification

E6.2.8.1. Dress. Cooperative Program Personnel shall wear their uniforms, if they are military personnel, or, if civilian, appropriate civilian attire. They shall wear, in clear view, a DoD building or installation pass or badge that clearly identifies them as foreign nationals.

E6.2.8.2. Status. Any other identification (including organizational code

and title, block, office nameplate, or e-mail address) used by or issued to Cooperative Program personnel by the host DoD Component shall clearly identify the person's status as a foreign national.

Attachments - 2

- 1. Certification of Conditions and Responsibilities for Cooperative Program Personnel**
- 2. Commitment Regarding Inventions Made and Technical Information Developed by Visiting Engineers and Scientists**

E6.A1. ATTACHMENT 1 TO ENCLOSURE 6

CERTIFICATION OF CONDITIONS AND RESPONSIBILITIES
FOR COOPERATIVE PROGRAM PERSONNEL

I understand and acknowledge that I have been accepted for assignment to (insert name and location of Cooperative Program to which assigned) pursuant to an agreement between the (insert applicable military service or organization) of the United States and the (insert applicable foreign military organization) of (insert country name). In connection with this assignment, I further understand, acknowledge, and certify that I shall comply with the following conditions and responsibilities:

1. The purpose of the assignment is to provide my expertise to the Cooperative Program. There shall be no access to information except as required to perform the duties described in the position description (PD) of the position to which I am assigned, as determined by my designated supervisor.
2. I shall perform only functions which are properly assigned to me as described in the PD for my assignment and shall not act in any other capacity on behalf of my government or my Parent Party or Parent Organization.
3. All information to which I may have access during this assignment shall be treated as information provided to my government in confidence and shall not be further released or disclosed by me to any other person, firm, organization or government without the prior written authorization of the Cooperative Program.
4. When dealing with individuals outside of my immediate office of assignment on official matters, I shall inform such individuals that I am a foreign Cooperative Program person.
5. I have been briefed on, understand, and shall comply with all applicable security regulations of the Cooperative Program.

6. I will immediately report to my designated supervisor all attempts to obtain classified, proprietary or controlled unclassified information to which I may have access as a result of this assignment.

(Typed Name)

(Signature)

(Rank/Title)

(Date)

E6.A2. ATTACHMENT 2 TO ENCLOSURE 6

COMMITMENT REGARDING INVENTIONS MADE AND TECHNICAL
INFORMATION DEVELOPED BY VISITING ENGINEERS AND SCIENTISTS

COMMITMENT TO COOPERATIVE PROGRAM

In consideration for being selected to participate in the U.S.-(insert country name) (insert name of Cooperative Program), I hereby grant to the Cooperative Program a worldwide, non-transferable, irrevocable, non-exclusive, royalty-free license to practice (make, use, or sell) inventions (whether patentable or not patentable) and unlimited use and reproduction rights in technical information, which inventions are made (either conceived or reduced to practice) by me or which technical information is developed by me during the period of and as a result of my participation in this Program.

Additionally, to secure the rights granted above, I hereby grant to the Cooperative Program the right to prosecute or to have prosecuted patent applications on the above mentioned inventions in any county for which my government or I choose not to prosecute a patent application.

Signature of Cooperative Program Officer

E7. ENCLOSURE 7

SAMPLE
DELEGATION OF DISCLOSURE AUTHORITY LETTER (DLL)

The following DDL format should be used by the DoD Components. (While all elements identified should be provided in the general order shown, information should be presented in the clearest and easiest-to-use manner.)

TITLE:

DATE:

E7.1. CLASSIFICATION: Identify highest classification of information to be disclosed.

E7.2. DISCLOSURE METHODS: E.g., oral, visual, or documentary. If documentary access is permitted, control procedures must be described in section E7.7., below.

E7.3. CATEGORIES PERMITTED: Specify National Disclosure Policy categories of information to be disclosed.

E7.4. SCOPE: Specify who is authorized to release material or information, and to whom disclosure is authorized.

E7.5. AUTHORIZED FOR RELEASE AND/OR DISCLOSURE: Describe material, information, and documents to which access can be permitted. This section shall state clearly that the individual may have access only to that information in the stated categories that is authorized for release to the parent government. If access to information described in subsection E5.2.7. of enclosure E5. is permitted, cite the specific agreement or other written authorization on which access is based.

E7.6. NOT AUTHORIZED FOR RELEASE AND/OR DISCLOSURE: Describe material, information, and documents, or portions thereof, to which access is not permitted.

E7.7. PROCEDURES: Specify review and release procedures for information that is not covered by the DDL, and describe controls and special security procedures (e.g., badges, briefings) established to limit access to information and controlled areas. If the releases described herein will be used for approving releases to foreign nationals at cleared contractor facilities working on a classified contract, the agreed security control procedures (see subsection 4.16. of the main body of this Directive) will be incorporated herein and a copy of the DDL provided to Defense Security Service (DSS) in advance of placing the foreign national on site at a cleared contractor facility.

E7.8. CONTACT OFFICER: Identify primary and alternate contact officers, including position and telephone and telefax numbers, and their duties and responsibilities. If a foreign national is to be placed at a cleared contractor facility and working on a classified contract, include the name, and telephone and telefax numbers of the responsible DSS Industrial Security Representative.

E7.9. REDELEGATION: Specify the extent of redelegation of disclosure authority (if any) permitted to subordinate activities.

E8. ENCLOSURE 8Format

ANNUAL REPORT ON AGREEMENTS
FOR THE EXCHANGE OF DEFENSE PERSONNEL
BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES
FISCAL YEAR 19XX

Format (Cite DoD Component) (Times New Roman 14 pt)			
Type Exchange Program: (Cite MPEP, ESEP, etc.) Cost: (Cite total cost for type of program) Appropriation Number: (####)			
U.S. POSITION	U.S. LOCATION	FOREIGN POSITION	FOREIGN LOCATION
-----1 inch-----	-----3 inch-----	-----1 inch-----	-----3 inch-----
(Country)			
(Title of U.S. Position occupied by foreign personnel)	(Cite organization & location)	(Title of foreign position occupied by U.S. personnel)	(Cite organization and location)
(Country)			
1. Page layout is to be "landscape" with 1 inch margins. 2. Except for the title, the front will be Times New Roman 12 pt. 3. Do not use tabs between columns. Use a Table of 4 columns. 4. Do not abbreviate position titles. 5. Submit a separate report by type of Agreement, e.g., MPEP, DIPEP, ESEP, APEP 6. Organize positions by country alphabetically. 7. Provide report in this format via e-mail or disk to the ODUSD(PS).			

Example Department of the Army			
Type Exchange Program: MPEP		Cost: \$305,000	Appropriation Number: 2020
U.S. POSITION	U.S. LOCATION	FOREIGN POSITION	FOREIGN LOCATION
Australia			
Transportation Instructor	USA Transportation School, Ft. Eustis VA	Transportation Instructor	School of Transport, Albury-Wondonga VIC
Engineer Instructor	USA Engineer School, Ft. Leonard Wood MO	Instructor	School of Military Engineer, Casula NSW
Airborne Instructor	USA Quartermaster School (Airborne Department), Ft. Lee VA	Airborne Instructor	Air Movement Training and Development, RAAF, Richmond NSW
Medical Staff	AMEDD & School, Ft. Sam Houston TX	Medical Staff	Dir. Gen Army Health Svcs, Canberra ACT

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Tab 13

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Department of Defense DIRECTIVE

NUMBER 5230.24

March 18, 1987

USD(A)

SUBJECT: Distribution Statements on Technical Documents

- References: (a) DoD Directive 5230.24, subject as above, November 20, 1984
(hereby canceled)
(b) DoD Directive 3200.12, "DoD Scientific and Technical Information
Program," February 15, 1983
(c) through (i), see enclosure E1.

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policies and procedures for marking technical documents, including production, engineering, and logistics information, to denote the extent to which they are available for distribution, release, and dissemination without additional approvals or authorizations.

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments (including their National Guard and Reserve components), the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

2.2. Covers newly created technical documents generated by all DoD-funded research, development, test and evaluation (RDT&E) programs, which are the basis of the DoD Scientific and Technical Information Program (STIP) described in reference (b). This Directive also applies to newly created engineering drawings, standards,

specifications, technical manuals, blueprints, drawings, plans, instructions, computer software and documentation, and other technical information that can be used or be adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.

2.3. Facilitates implementation of DoD Directive 5230.25 (reference (c)) by enabling document originators to signify to what extent technical documents must be controlled in accordance with procedures of that Directive.

2.4. Does not apply to technical documents categorized as cryptographic and communications security, communications and electronic intelligence, and such other categories that may be designated by the Director, National Security Agency/Chief, Central Security Service.

2.5. May not be used by DoD Components as authority to deny information to Congress, or to any Federal, State, or local governmental agency that requires such data for regulatory or other official governmental purposes. When the information is otherwise subject to DoD distribution controls, the recipient shall be so notified.

2.6. Does not provide authority to withhold from public disclosure unclassified information regarding DoD operations, policies, activities, or programs, including the costs and evaluations of performance and reliability of military and space equipment, or any other information not exempt from release under DoD 5400.7-R (reference (d)).

2.7. Does not establish non-recurring charges that may apply to recipients of DoD technical data. Such charges are determined in accordance with DoD Directive 2140.2 (reference (e)).

3. DEFINITIONS

The terms used in this Directive are defined in enclosure E2.

4. POLICY

It is DoD policy to pursue a coordinated and comprehensive program to provide for a strong and viable military research, acquisition, and support program consistent with requirements of national security, export laws, and competitive procurement.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Acquisition (USD(A)) shall monitor compliance with this Directive within DoD Components and take such actions that may be required to ensure consistent and appropriate implementation and control of information within the scope of this Directive.

5.2. The Under Secretary of Defense for Policy (USD(P)) shall prepare and issue, as required, policy guidance regarding the dissemination and control of information within the scope of this Directive.

5.3. The Assistant Secretary of Defense (Public Affairs) (ASD(PA)) shall ensure that technical material submitted for public release clearance under DoD Directive 5230.9 (reference (f)) is properly reviewed to determine whether the information is appropriate for Distribution Statement A (enclosure E3.) and shall inform the submitter of distribution limitations recommended if public release is not approved. The ASD(PA) shall also process appeals when public release denial is based upon this Directive.

5.4. The General Counsel, Department of Defense (GC, DoD), shall assist in carrying out this Directive by advising DoD Components regarding the statutory and regulatory requirements governing the export or other dissemination of technical data.

5.5. Heads of DoD Components shall ensure that this Directive is implemented within their respective Components in a uniform, consistent manner and shall establish procedures to ensure that technical documents are marked correctly.

6. PROCEDURES

6.1. All DoD Components generating or responsible for technical documents shall determine their distribution availability and mark them appropriately before primary distribution. Documents recommended for public release must first be reviewed in accordance with DoD Directive 5230.9 (reference (f)).

6.2. DoD distribution statement markings shall not be required on technical proposals or similar documents submitted by contractors seeking DoD funds or contracts.

6.3. Managers of technical programs shall assign appropriate distribution statements to technical documents generated within their programs to control the secondary distribution of those documents.

6.3.1. All newly created unclassified DoD technical documents shall be assigned distribution statement A, B, C, D, E, F, or X (see enclosure E3.).

6.3.2. Classified DoD technical documents shall be assigned distribution statement B, C, D, E, or F. The distribution statement assigned to a classified document shall be retained on the document after its declassification or until changed specifically or removed by the controlling DoD office. Technical documents that are declassified and have no distribution statement assigned shall be handled as distribution statement F documents until changed by the controlling DoD office.

6.3.3. Scientific and technical documents that include a contractor-imposed limited rights statement shall be marked and controlled in accordance with subpart 27.4 of the DoD Supplement to the FAR (reference (g)).

6.3.4. For each newly generated technical document, managers of technical programs shall determine whether the document contains export-controlled technical data; DoD Directive 5230.25 (reference (c)) provides guidance for making this determination. Additional guidance may be obtained from Component legal counsel. All documents that are found to contain export-controlled technical data shall be marked with the export control statement contained in subsection E3.1.1.8., below, of enclosure E3.; any document so marked must also be assigned distribution statement B, C, D, E, F, or X.

6.3.5. Technical documents in preliminary or working draft form shall not be disseminated without a proper security classification review and assignment of a distribution statement as required by this Directive.

6.4. Distribution statements shall remain in effect until changed or removed by the controlling DoD office. Each controlling DoD office shall establish and maintain a procedure to review technical documents for which it is responsible to increase their availability when conditions permit. The controlling DoD office shall obtain public release determinations in accordance with reference (f). If public release clearance is obtained, the controlling DoD office shall assign distribution statement A, cancel any other distribution statement, and notify the proper document handling facilities.

6.5. Technical documents marked with superseded distribution statements shall be reviewed when a request for the document is received and shall be assigned an appropriate distribution statement.

6.6. Technical documents in information repositories that have superseded

distribution statements shall be converted as follows:

6.6.1. Documents bearing distribution statement A or B of canceled DoD Directive 5200.20, September 24, 1970, and documents bearing distribution statement A, B, C, D, E, or F contained in Secretary of Defense Memorandum "Control of Unclassified Technology with Military Application," October 18, 1983, need not be reevaluated.

6.6.2. Technical documents bearing distribution statement numbers 2, 3, 4, and 5 of superseded DoD Directive 5200.20, March 29, 1965, shall be assigned, respectively, distribution statements, C, B, E, and F.

6.7. Controlling DoD offices shall notify the Defense Technical Information Center (DTIC) and other proper technical document dissemination facilities promptly when:

6.7.1. Addresses of designated controlling DoD offices are changed.

6.7.2. The controlling DoD office is redesignated.

6.7.3. Classification markings, distribution statements, or export control statements are changed.

6.8. The distribution statement shall be displayed conspicuously on technical documents so as to be recognized readily by recipients.

6.8.1. For standard written or printed material, the following applies:

6.8.1.1. The distribution statement shall appear on each front cover, title page, and DD Form 1473, "Report Documentation Page."

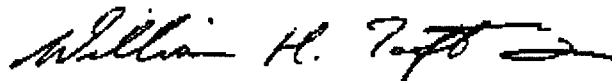
6.8.1.2. When possible, parts that contain information creating the requirement for a distribution statement shall be prepared as an appendix to permit broader distribution of the basic document.

6.8.1.3. When practical, the abstract of the document, the DD Form 1473 and bibliographic citations shall be written in such a way that the information will not be subject to distribution statement B, C, D, E, F, or X. If the technical information is not prepared in the form of an ordinary document (such as this Directive) and does not have a cover or title page (such as forms and charts), the applicable distribution statement shall be stamped, printed, written, or affixed by other

means in a conspicuous position.

7. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Under Secretary of Defense for Acquisition within 120 days.

A handwritten signature in black ink, appearing to read "William H. Taft, IV". The signature is fluid and cursive, with a long horizontal stroke at the end.

William H. Taft, IV
Deputy Secretary of Defense

Enclosures - 4

1. References, continued
2. Definitions
3. Distribution Statements for Use on Technical Documents
4. Contractor-Imposed Distribution Statements

E1. ENCLOSURE 1

REFERENCES, continued

- (c) DoD Directive 5230.25, "Withholding of Unclassified Technical Data From Public Disclosure," November 6, 1984
- (d) DoD 5400.7-R, "DoD Freedom of Information Act Program," December 1980, authorized by DoD Directive 5400.7, March 24, 1980
- (e) DoD Directive 2140.2, "Recoupment of Nonrecurring Costs on Sales of U.S. Products and Technology," August 5, 1985
- (f) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 2, 1982
- (g) DoD Supplement to the Federal Acquisition Regulation (FAR), Part 27, Subpart 27.4
- (h) DoD 5200.1-R, "Information Security Program Regulation," June 1986, authorized by DoD Directive 5200.1, June 7, 1982
- (i) DoD Instruction 7930.2, "ADP Software Exchange and Release," December 31, 1979

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Contractor. An individual or organization outside the U.S. Government who has accepted any type of agreement or order to provide research, supplies, or services to a U.S. Government Agency, including both prime contractors and subcontractors.

E2.1.1.1. Qualified U.S. Contractor. In accordance with DoD Directive 5230.25 (reference (c)), a private individual or enterprise located in the United States whose eligibility to obtain unclassified export-controlled technical data has been established under procedures developed by (USD(A)).

E2.1.1.2. DoD Potential Contractor. An individual or organization outside the Department of Defense declared eligible for DoD information services by a sponsoring DoD activity on the basis of participation in one of the following programs:

E2.1.1.2.1. The Department of the Army Qualitative Requirements Information Program.

E2.1.1.2.2. The Department of the Navy Industry Cooperative Research and Development Program.

E2.1.1.2.3. The Department of the Air Force Potential Contractor Program.

E2.1.1.2.4. The DoD Scientific and Technical Information Program.

E2.1.1.2.5. Any programs similar to those above in use by other DoD Components.

E2.1.2. Contracted Fundamental Research. Research performed under grants or contracts funded by budget category 6.1 (Research), whether performed by universities or industry, or funded by budget category 6.2 (Exploratory Development) and performed on campus at a university.

E2.1.3. Controlling DoD Office. The DoD activity that sponsored the work that generated the technical data or received the technical data on behalf of the Department of Defense and, therefore, has the responsibility for determining the distribution of a

document containing such technical data. For joint sponsorship, the controlling office is determined by advance agreement and may be either a party, group, or committee representing the interested activities or DoD Components.

E2.1.4. Critical Technology. Technology that consists of:

E2.1.4.1. Arrays of design and manufacturing know-how (including technical data).

E2.1.4.2. Keystone manufacturing, inspection, and test equipment.

E2.1.4.3. Keystone materials.

E2.1.4.4. Goods accompanied by sophisticated operation, application, or maintenance know-how that would make a significant contribution to the military potential of any country or combination of countries and that may prove detrimental to the security of the United States (also referred to as militarily-critical technology).

E2.1.5. Distribution Statement. A statement used in marking a technical document to denote the extent of its availability for distribution, release, and disclosure without additional approvals or authorizations. A distribution statement marking is distinct from and in addition to a security classification marking assigned in accordance with DoD 5200.1-R (reference (h)).

E2.1.6. Document. Any recorded information regardless of its medium, physical form, or characteristics.

E2.1.7. Foreign Government Information

E2.1.7.1. Information that is:

E2.1.7.1.1. Provided to the United States by a foreign government or governments, an international organization of governments, or any element thereof with the expectation either expressed or implied, that the information or the source of information, or both, be held in confidence.

E2.1.7.1.2. Produced by the United States following or as a result of a joint arrangement with a foreign government or governments or an international organization of governments or any element thereof, requiring that the information, the arrangement, or both, be held in confidence.

E2.1.7.2. Information described in subparagraphs E2.1.7.1.1. and E2.1.7.1.2., above, and in the possession of the Department of Defense is classified information in accordance with reference (h).

E2.1.8. Primary Distribution. The initial targeted distribution of or access to technical documents authorized by the controlling DoD office.

E2.1.9. Scientific and Technical Information. Communicable knowledge or information resulting from or pertaining to conducting and managing a scientific or engineering research effort.

E2.1.10. Secondary Distribution. Release of technical documents provided after primary distribution by other than the originator or controlling office. It includes loaning, allowing the reading of, or releasing a document outright, in whole or in part.

E2.1.11. Technical Data. Recorded information related to experimental, developmental, or engineering works that can be used to define an engineering or manufacturing process or to design, procure, produce, support, maintain, operate, repair, or overhaul material. The data may be graphic or pictorial delineations in media, such as drawings or photographs, text in specifications or related performance or design type documents, or computer printouts. Examples of technical data include research and engineering data, engineering drawings, and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog-item identifications, and related information and computer software documentation.

E2.1.12. Technical Document. Any recorded information that conveys scientific and technical information or technical data. For purposes of this Directive, this includes such informal documents as working papers, memoranda, and preliminary reports when such documents have utility beyond the immediate mission requirement, or will become part of the historical record of technical achievements.

E2.1.13. Technical Information. Information, including scientific information, that relates to research, development, engineering, test, evaluation, production, operation, use, and maintenance of munitions and other military supplies and equipment

E2.1.14. U.S. DoD Contractor. Those U.S. contractors currently holding grants or contracts with the Department of Defense, or those contractors declared eligible for DoD information services by a sponsoring DoD activity on the basis of participation in a DoD Potential Contractor Program.

E3. ENCLOSURE 3

DISTRIBUTION STATEMENTS FOR USE ON TECHNICAL DOCUMENTS

E3.1.1. The following distribution statements and notices are authorized for use on DoD technical documents:

E3.1.1.1. DISTRIBUTION STATEMENT A. Approved for public release; distribution is unlimited.

E3.1.1.1.1. This statement may be used only on unclassified technical documents that have been cleared for public release by competent authority in accordance with DoD Directive 5230.9 (reference (f)). Technical documents resulting from contracted fundamental research efforts will normally be assigned Distribution Statement A, except for those rare and exceptional circumstances where there is a high likelihood of disclosing performance characteristics of military systems, or of manufacturing technologies that are unique and critical to defense, and agreement on this situation has been recorded in the contract or grant.

E3.1.1.1.2. Technical documents with this statement may be made available or sold to the public and foreign nationals, companies, and governments, including adversary governments, and may be exported.

E3.1.1.1.3. This statement may not be used on technical documents that formerly were classified unless such documents are cleared for public release in accordance with reference (f).

E3.1.1.1.4. This statement shall not be used on classified technical documents or documents containing export-controlled technical data as provided in DoD Directive 5230.25 (reference (c)).

E3.1.1.2. DISTRIBUTION STATEMENT B. Distribution authorized to U.S. Government Agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).

E3.1.1.2.1. This statement may be used on unclassified and classified technical documents.

E3.1.1.2.2. Reasons for assigning distribution statement B include:

Foreign Government Information	To protect and limit distribution in accordance with the desires of the foreign government that furnished the technical information. Information of this type normally is classified at the CONFIDENTIAL level or higher in accordance with DoD 5200.1-R (reference (h)).
Proprietary Information	To protect information not owned by the U.S. Government and protected by a contractor's "limited rights" statement, or received with the understanding that it not be routinely transmitted outside the U.S. Government.
Critical Technology	To protect information and technical data that advance current technology or describe new technology in an area of significant or potentially significant military application or that relate to a specific military deficiency of a potential adversary. Information of this type may be classified or unclassified; when unclassified, it is export-controlled and subject to the provisions of DoD Directive 5230.25 (reference (c)).
Test and Evaluation	To protect results of test and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.
Contractor Performance Evaluation	To protect information in management reviews, records of contract performance evaluation, or other advisory documents evaluating programs of contractors.
Premature Dissemination	To protect patent able information on systems or processes in the developmental or concept stage from premature dissemination.
Administrative or Operational Use	To protect technical or operational data or information from automatic dissemination under the International Exchange Program or by other means. This protection covers publications required solely for official use or strictly for administrative or operational purposes. This statement may be applied to manuals, pamphlets, technical orders, technical reports, and other publications containing valuable technical or operational data.
Software Documentation	Releasable only in accordance with DoD Instruction 7930.2 (reference (i)).
Specific Authority	To protect information not specifically included in the above reasons and discussions, but which requires protection in accordance with valid documented authority such as Executive Orders, classification guidelines, DoD or DoD Component regulatory documents. When filling in the reason, cite "Specific Authority (identification of valid documented authority)."

E3.1.1.3. DISTRIBUTION STATEMENT C. Distribution authorized to U.S. Government Agencies and their contractors (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DoD office).

E3.1.1.3.1. Distribution statement C may be used on unclassified and classified technical documents.

E3.1.1.3.2. Reasons for assigning distribution statement C include:

Foreign Government Information	Same as distribution statement B.
Critical Technology	Same as distribution statement B.
Software Documentation.	Same as distribution statement B.
Administrative or Operational Use	Same as distribution statement B.
Specific Authority	Same as distribution statement B.

E3.1.1.4. DISTRIBUTION STATEMENT D. Distribution authorized to the Department of Defense and U.S. DoD contractors only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office).

E3.1.1.4.1. Distribution statement D may be used on unclassified and classified technical documents.

E3.1.1.4.2. Reasons for assigning distribution statement D include:

Foreign Government Information	Same as distribution statement B.
Administrative or Operational Use	Same as distribution statement B.
Software Documentation	Same as distribution statement B.
Critical Technology	Same as distribution statement B.
Specific Authority	Same as distribution statement B.

E3.1.1.5. DISTRIBUTION STATEMENT E. Distribution authorized to DoD Components only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office).

E3.1.1.5.1. Distribution statement E may be used on unclassified and classified technical documents.

E3.1.1.5.2. Reasons for assigning distribution statement E include:

Direct Military Support	The document contains export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage of the United States. Designation of such data is made by competent authority in accordance with DoD Directive 5230.25 (reference (c)).
Foreign Government Information	Same as distribution statement B.
Proprietary Information	Same as distribution statement B.
Premature Dissemination	Same as distribution statement D.
Test and Evaluation	Same as distribution statement B.
Software Documentation	Same as distribution statement B.
Contractor Performance Evaluation	Same as distribution statement B.
Critical Technology	Same as distribution statement B.
Administrative-Operational Use	Same as distribution statement B.
Specific Authority	Same as distribution statement B.

E3.1.1.6. DISTRIBUTION STATEMENT F. Further dissemination only as

directed by (inserting controlling DoD office) (date of determination) or higher DoD authority.

E3.1.1.6.1. Distribution statement F is normally used only on classified technical documents, but may be used on unclassified technical documents when specific authority exists (e.g., designation as direct military support as in statement E).

E3.1.1.6.2. Distribution statement F is also used when the DoD originator determines that information is subject to special dissemination limitation specified by paragraph 4-505, DoD 5200.1-R (reference (h)).

E3.1.1.7. DISTRIBUTION STATEMENT X. Distribution authorized to U.S. Government Agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with reference (c) (date of determination). Controlling DoD office is (insert).

E3.1.1.7.1. Distribution statement X shall be used on unclassified documents when distribution statements B, C, D, E, or F do not apply, but the document does contain technical data as explained in reference (c).

E3.1.1.7.2. This statement shall not be used on classified technical documents; however, it may be assigned to technical documents that formerly were classified.

E3.1.1.8. Export Control Warning. All technical documents that are determined to contain export-controlled technical data shall be marked "WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et. seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App. 2401 et. seq. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25." When it is technically infeasible to use the entire statement, an abbreviated marking may be used, and a copy of the full statement added to the "Notice To Accompany Release of Export-Controlled Data" required by DoD Directive 5230.25 (reference (c)).

E3.1.1.9. Handling and Destroying Unclassified/Limited Distribution Documents. Unclassified/Limited Distribution documents shall be handled using the same standard as "For Official Use Only (FOUO)" material, and will be destroyed by any method that will prevent disclosure of contents or reconstruction of the document. When local circumstances or experience indicates that this destruction

method is not sufficiently protective of unclassified limited information, local authorities may prescribe other methods but must give due consideration to the additional expense balanced against the degree of sensitivity.

E4. ENCLOSURE 4

CONTRACTOR-IMPOSED DISTRIBUTION STATEMENTS

E4.1.1. Part 27, Subpart 27.4 to the DoD Supplement to the Federal Acquisition Regulation (FAR) (reference (g)) stipulates control procedures for contractor-controlled technical data to which the Government has limited rights. In this case, an approved statement from the DoD Supplement to the FAR shall appear on all copies of each document. Unmarked or improperly marked technical documents supplied by a contractor shall be handled in accordance with the DoD Supplement to the FAR. Limited rights information shall be assigned distribution statements B, E, or F.

E4.1.2. The limited rights statement shall remain in effect until changed or canceled under contract terms or with the permission of the contractor, and until the controlling DoD Component notifies recipients of the document that the statement may be changed or canceled. Upon cancellation of the statement, the distribution, disclosure, or release of the technical document shall then be controlled by its security classification or, if unclassified, by the appropriate statement selected from this Directive.

E4.1.3. Reference (g) defines limited rights as the right to use, duplicate, or disclose technical data in whole or in part, by or for the U.S. Government with the expressed limitation that such technical data, without the written permission of the party furnishing such technical data, may not be:

E4.1.3.1. Released or disclosed in whole or in part outside the Government.

E4.1.3.2. Used in whole or in part by the Government for manufacture, or in the case of computer software documentation, for reproduction of the computer software.

E4.1.3.3. Used by a party other than the Government, except for:

E4.1.3.3.1. Emergency repair or overhaul work only by or for the Government, when the item or process concerned is not otherwise reasonably available to enable timely performance of the work, provided that the release or disclosure outside the Government shall be made subject to a prohibition against further use, release, or disclosure.

E4.1.3.3.2. Release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of subparagraph E4.1.3.3.1., above.

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Tab 14

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Department of Defense DIRECTIVE

NUMBER 5230.25

November 6, 1984

Administrative Reissuance Incorporating Change 1, August 18, 1995

USDR&E

SUBJECT: Withholding of Unclassified Technical Data From Public Disclosure

- References:
- (a) Title 10, United States Code, Section 140c, as added by Public Law 98-94, "Department of Defense Authorization Act, 1984," Section 1217, September 24, 1983
 - (b) Executive Order 12470, "Continuation of Export Control Regulations," March 30, 1984
 - (c) Public Law 90-629, "Arms Export Control Act," as amended (22 U.S.C. 2751 *et. seq.*)
 - (d) through (n), see enclosure E1.

1. PURPOSE

Under reference (a), this Directive establishes policy, prescribes procedures, and assigns responsibilities for the dissemination and withholding of technical data.

2. APPLICABILITY AND SCOPE

2.1. Reference (a) applies to all unclassified technical data with military or space application in the possession of, or under the control of, a DoD Component that may not be exported lawfully without an approval, authorization, or license under E.O. 12470 (reference (b)) or the Arms Export Control Act (reference (c)). However, the application of this Directive is limited only to such technical data that disclose critical technology with military or space application. The release of other technical data shall be accomplished in accordance with DoD Instruction 5200.21 (reference (d)) and DoD 5400.7-R (reference (e)).

2.2. This Directive:

2.2.1. Applies to the Office of the Secretary of Defense (OSD) and activities supported administratively by OSD, the Military Departments, the Organization of the Joint Chiefs of Staff, the Defense Agencies, and the Unified and Specified Commands (hereafter referred to collectively as "DoD Components").

2.2.2. Does not modify or supplant the regulations promulgated under E.O. 12470 (reference (b)) or the Arms Export Control Act (reference (c)) governing the export of technical data, that is, 15 CFR 379 of the Export Administration Regulations (EAR) (reference (f)) and 22 CFR 125 of the International Traffic in Arms Regulations (ITAR) (reference (g)).

2.2.3. Does not introduce any additional controls on the dissemination of technical data by private enterprises or individuals beyond those specified by export control laws and regulations or in contracts or other mutual agreements, including certifications made pursuant to subsection 3.2., below. Accordingly, the mere fact that the Department of Defense may possess such data does not in itself provide a basis for control of such data pursuant to this Directive.

2.2.4. Does not introduce any controls on the dissemination of scientific, educational, or other data that qualify for General License GTDA under subsection 379.3 of the EAR (reference (f)) (see enclosure E3.) or for general exemptions under subsection 125.11 of the ITAR (reference (g)) (see enclosure E4.).

2.2.5. Does not alter the responsibilities of DoD Components to protect proprietary data of a private party in which the Department of Defense has "limited rights" or "restricted rights" (as defined in subsections 9-201(c) and 9-601(j) of the DoD Federal Acquisition Regulation Supplement, reference or which are authorized to be withheld from public disclosure under 5 U.S.C. 552(b) (4) (reference (i)).

2.2.6. Does not pertain to, or affect, the release of technical data by DoD Components to foreign governments, international organizations, or their respective representatives or contractors, pursuant to official agreements or formal arrangements with the U.S. Government, or pursuant to U.S. Government-licensed transactions involving such entities or individuals. In the absence of such U.S. Government-sanctioned relationships, however, this Directive does apply.

2.2.7. Does not apply to classified technical data. After declassification, however, dissemination of such data that are within the scope of subsection 2.1.,

above, is governed by this Directive.

3. DEFINITIONS

3.1. Except for the definition in subsection 3.2., terms used in this Directive are defined in enclosure E2.

3.2. Qualified U.S. contractor. ¹ A private individual or enterprise (hereinafter described as a "U.S. contractor") that, in accordance with procedures established by the Under Secretary of Defense for Research and Engineering, certifies, as a condition of obtaining export-controlled technical data subject to this Directive from the Department of Defense, that:

3.2.1. The individual who will act as recipient of the export-controlled technical data on behalf of the U.S. contractor is a U.S. citizen or a person admitted lawfully into the United States for permanent residence and is located in the United States.

3.2.2. Such data are needed to bid or perform on a contract with the Department of Defense, or other U.S. Government Agency, or for other legitimate business purposes ² in which the U.S. contractor is engaged, or plans to engage. The purpose for which the data are needed shall be described sufficiently in such certification to permit an evaluation of whether subsequent requests for data, pursuant to subsection 5.4.2., below, are related properly to such business purpose.

3.2.3. The U.S. contractor acknowledges its responsibilities under U.S. export control laws and regulations (including the obligation, under certain circumstances, to obtain an export license prior to the release of technical data within the United States) and agrees that it will not disseminate any export-controlled technical data subject to this Directive in a manner that would violate applicable export control laws and regulations.

¹ Canadian contractors may be qualified in accordance with this Directive for technical data that do not require a license for export to Canada under section 125.12 of the ITAR (reference (g)) and section 379.4(d) and 379.5(e) of the EAR (reference (f)) by submitting an equivalent certification to the U.S. Department of Defense.

² This does not require a contract with or a grant from the U.S. Government.

3.2.4. The U.S. contractor also agrees that, unless dissemination is permitted by subsection 5.8., below, it will not provide access to export-controlled technical data subject to this Directive to persons other than its employees or persons acting on its behalf, without the permission of the DoD Component that provided the technical data.

3.2.5. To the best of its knowledge and belief, the U.S. contractor knows of no person employed by it, or acting on its behalf, who will have access to such data, who is debarred, suspended, or otherwise ineligible from performing on U.S. Government contracts; or has violated U.S. export control laws or a certification previously made to the Department of Defense under the provisions of this Directive.

3.2.6. The U.S. contractor itself is not debarred, suspended, or otherwise determined ineligible by any Agency of the U.S. Government to perform on U.S. Government contracts, has not been convicted of export control law violations, and has not been disqualified under the provisions of this Directive.

When the certifications required by subsections 3.2.5. and 3.2.6., above, cannot be made truthfully, the U.S. contractor may request the certification be accepted based on its description of extenuating circumstances.

4. POLICY

4.1. In accordance with 10 U.S.C. 140c (reference (a)), the Secretary of Defense may withhold from public disclosure, notwithstanding any other provision of law, any technical data with military or space application in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully without an approval, authorization, or license under E.O. 12470 (reference (b)) or the Arms Export Control Act (reference (c)). However, technical data may not be withheld under this section if regulations promulgated under either the Order or Act authorize the export of such data pursuant to a general, unrestricted license or exemption in such regulations. (Pertinent portions of such regulations are set forth at enclosures E3. and E4.)

4.2. Because public disclosure of technical data subject to this Directive is tantamount to providing uncontrolled foreign access, withholding such data from public disclosure, unless approved, authorized, or licensed in accordance with export control laws, is necessary and in the national interest. Unclassified technical data that are not governed by this Directive, unless otherwise restricted, shall continue to be

made available to the public as well as to State and local governments.

4.3. Notwithstanding the authority provided in subsection 4.1., above, it is DoD policy to provide technical data governed by this Directive to individuals and enterprises that are determined to be currently qualified U.S. contractors, when such data relate to a legitimate business purpose for which the contractor is certified. However, when such data are for a purpose other than to permit the requester to bid or perform on a contract with the Department of Defense, or other U.S. Government Agency, and the significance of such data for military purposes is such that release for purposes other than direct support of DoD activities may jeopardize an important U.S. technological or operational advantage, those data shall be withheld in such cases.

4.4. This Directive may not be used by DoD Components as authority to deny access to technical data to the Congress, or to any Federal, State, or local governmental agency that requires such data for regulatory or other official governmental purposes. Any such dissemination will include a statement that the technical data are controlled by the Department of Defense in accordance with this Directive.

4.5. The authority provided herein may not be used to withhold from public disclosure unclassified information regarding DoD operations, policies, activities, or programs, including the costs and evaluations of performance and reliability of military and space equipment. When such information does contain technical data subject to this Directive, the technical data shall be excised from that which is disclosed publicly.

4.6. This Directive may not be used as a basis for the release of "limited rights" or "restricted rights" data as defined in subsections 9-201(c) and 9-601(j) of the DoD Federal Acquisition Regulation Supplement (reference (h)) or that are authorized to be withheld from public disclosure under the Freedom of Information Act (FOIA) (reference (i)).

4.7. This Directive may not be used to provide protection for technical data that should be classified in accordance with E.O. 12356 and DoD 5200.1-R (references (j) and (k)).

4.8. This Directive provides immediate authority to cite 5 U.S.C. 552(b) (3) (reference (i)) as the basis for denials under the FOIA (reference (i)) of technical data currently determined to be subject to the provisions of this Directive.

5. PROCEDURES

All determinations to disseminate or withhold technical data subject to this Directive shall be consistent both with the policies set forth in section 4., above, and with the following procedures:

5.1. Requests for technical data shall be processed in accordance with DoD Directive 5230.24 and DoD Instruction 5200.21 (references (l) and (d)). FOIA (reference (i)) requests for technical data subject to this Directive shall be handled in accordance with the procedures established in DoD 5400.7-R (reference (e)). Such FOIA requests for technical data currently determined to be subject to the withholding authority effected by this Directive shall be denied under reference (i), citing the third exemption to mandatory disclosure, and the requester shall be referred to the provisions of this Directive permitting access by qualified U.S. contractors.

5.2. Upon receipt of a request for technical data in the possession of, or under the control of, the Department of Defense, the controlling DoD office shall determine whether such data are governed by this Directive. The determination shall be based on the following:

5.2.1. The office's findings³ that such data would require an approval, authorization, or license for export under E.O. 12470 (reference (b)) or the Arms Export Control Act (reference (c)), and that such data may not be exported pursuant to a general, unrestricted license (section 379.3, EAR (reference (f)) (see enclosure E3.) or exemption (section 125.11, ITAR (reference (g)) (see enclosure E4.).

5.2.2. The office's judgment that the technical data under consideration disclose critical technology with military or space application. For purposes of making this determination, the Militarily Critical Technologies List (MCTL) (reference (m)) shall be used as general guidance. The controlling DoD office may request assistance in making such a determination from the Office of the Under Secretary of Defense for Research and Engineering (OUSDR&E) in accordance with procedures established by that office.

5.3. The controlling DoD office shall ensure that technical data determined to be governed by this Directive are marked in accordance with DoD Directive 5230.24 (reference (l)).

³ May require consultation with the Department of State or the Department of Commerce, as appropriate.

5.4. The controlling DoD office shall authorize release of technical data governed by this Directive to currently qualified U.S. contractors only, as defined in subsection 3.2., above, unless one of the apply:

5.4.1. The qualification of the U.S. contractor concerned has been temporarily revoked in accordance with subsection 5.5., below; or

5.4.2. The requested data are judged to be unrelated to the purpose for which the qualified U.S. contractor is certified. When release of technical data is denied in accordance with this subsection, the controlling DoD office shall request additional information sufficient to explain the intended use of the requested data and, if appropriate, request a new certification (see subsection 3.2., above) describing the intended use of the requested data; or

5.4.3. The technical data are being requested for a purpose other than to permit the requester to bid or perform on a contract with the Department of Defense or other U.S. Government Agency, in which case the controlling DoD office shall withhold such data if it has been determined by the DoD Component focal point (see paragraph 6.5.3., below) that the significance of such data for military purposes is such that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage of the United States.

5.5. Upon receipt of credible and sufficient information that a qualified U.S. contractor has (a) violated U.S. export control law, (b) violated its certification, (c) made a certification in bad faith, or (d) made an omission or misstatement of material fact, the DoD Component shall revoke temporarily the U.S. contractor's qualification. Such revocations having the potential for compromising a U.S. Government investigation may be delayed. Immediately upon such revocation, the DoD Component shall notify the contractor and the OUSDR&E. Such contractor shall be given an opportunity to respond in writing to the information upon which the temporary revocation is based before being disqualified. Any U.S. contractor whose qualification has been revoked temporarily may be reinstated upon presentation of sufficient information showing that the basis for such revocation was in error or has been remedied.

5.6. When the basis for a contractor's temporary revocation cannot be removed within 20 working days, the DoD Component shall recommend to the OUSDR&E that the contractor be disqualified.

5.7. Charges for copying, certifying, and searching records rendered to requesters shall be levied in accordance with DoD Instruction 7230.7 (reference (n)). Normally, only one copy of the same record or document will be provided to each requester. Any release to qualified U.S. contractors of technical data controlled by this Directive shall be accompanied by a notice to the recipient as set forth in enclosure E5.

5.8. Qualified U.S. contractors who receive technical data governed by this Directive may disseminate such data for purposes consistent with their certification without the prior permission of the controlling DoD office or when such dissemination is:

5.8.1. To any foreign recipient for which the data are approved, authorized, or licensed under E.O. 12470 (reference (b)), or the Arms Export Control Act (reference (c)).

5.8.2. To another currently qualified U.S. contractor (as defined in subsection 3.2., above, including existing or potential subcontractors, but only within the scope of the certified legitimate business purpose of such recipient).

5.8.3. To the Departments of State and Commerce, for purposes of applying for appropriate approvals, authorizations, or licenses for export under the Arms Export Control Act (reference (c)) or E.O. 12470 (reference (b)). Any such application shall include a statement that the technical data for which such approval, authorization, or license is sought are controlled by the Department of Defense in accordance with this Directive.

5.8.4. To Congress or any Federal, State, or local governmental agency for regulatory purposes, or otherwise as may be required by law or court order. Any such dissemination shall include a statement that the technical data are controlled by the Department of Defense in accordance with this Directive.

5.9. A qualified U.S. contractor desiring to disseminate technical data subject to this Directive in a manner not permitted expressly by the terms of this Directive shall seek authority to do so from the controlling DoD office.

5.10. Any requester denied technical data, or any qualified U.S. contractor denied permission to re-disseminate such data, pursuant to this Directive, shall be provided promptly a written statement of reasons for that action, and advised of the right to make a written appeal of such determination to a specifically identified appellate authority within the DoD Component. Appeals of denials made under DoD 5400.7-R

(reference (e)) shall be handled in accordance with procedures established therein. Other appeals shall be processed as directed by the OUSDR&E.

5.11. Denials shall cite 10 U.S.C. 140c (reference (a)) as implemented by this Directive, and, in the case of FOIA (reference (i)) denials made in reliance on this statutory authority, 5 U.S.C. 552(b) (3) (reference (i)). Implementing procedures shall provide for resolution of any appeal within 20 working days.

6. RESPONSIBILITIES

6.1. The Under Secretary of Defense for Research and Engineering (USDR&E) shall have overall responsibility for the implementation of this Directive and shall designate an office to:

6.1.1. Administer and monitor compliance with this Directive.

6.1.2. Receive and disseminate notifications of temporary revocation in accordance with subsection 5.5., above.

6.1.3. Receive recommendations for disqualification made in accordance with subsection 5.6., above, and act as initial disqualification authority.

6.1.4. Provide, when necessary, technical assistance to DoD Components in assessing the significance of the military or space application of technical data that may be withheld from public disclosure under this Directive.

6.1.5. Establish procedures to develop, collect, and disseminate certification statements and ensure their sufficiency, accuracy, and periodic renewal, and to make final determinations of qualification.

6.1.6. Ensure that the requirements of this Directive are incorporated into the DoD Federal Acquisition Regulation Supplement (reference (h)) for optional application to contracts involving technical data governed by this Directive.

6.1.7. Develop, in conjunction with the General Counsel, Department of Defense, guidelines for responding to appeals.

6.1.8. Develop procedures to ensure that DoD Components apply consistent criteria in authorizing exceptions under subsection 5.9., above.

6.1.9. *Establish procedures and appropriate mechanisms for the certification of qualified U.S. contractors, pursuant to paragraph 6.1.5., above. DoD Form 2345, "Military Critical Technical Data Agreement" with its associated instructions for completion and submission is established for this purpose.*

6.1.10. Take such other actions that may be required to ensure consistent and appropriate implementation of this Directive within the Department of Defense.

6.2. The Under Secretary of Defense for Policy shall:

6.2.1. Develop and promulgate, as required, policy guidance to DoD Components for implementing this Directive.

6.2.2. Develop procedures with the Departments of State and Commerce to ensure referral of export cases involving technical data governed by this Directive to the Department of Defense.

6.3. The Assistant to the Secretary of Defense for Public Affairs shall:

6.3.1. Monitor the implementation of provisions of this Directive that pertain to DoD 5400.7-R (reference (e)).

6.3.2. Provide such other assistance as may be necessary to ensure compliance with this Directive.

6.4. The General Counsel of the Department of Defense shall:

6.4.1. Assist in carrying out the provisions of this Directive by advising DoD Components with respect to the statutory and regulatory requirements governing the export of technical data.

6.4.2. Advise the USD(A&T) regarding consistent and appropriate implementation of this Directive.

6.5. The Heads of DoD Components shall:

6.5.1. As the delegated authority, have the option to re-delegate the authority to withhold technical data in accordance with this Directive.

6.5.2. Disseminate and withhold from public disclosure technical data subject to this Directive in a manner consistent with the policies and procedures set

forth herein.

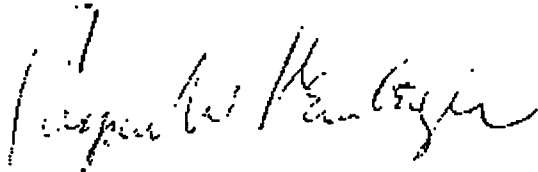
6.5.3. Designate a focal point to (1) ensure implementation of this Directive; (2) identify classes of technical data the release of which is governed by paragraph 5.4.3., above; (3) act on appeals relating to case-by-case denials of technical data; (4) suspend a contractor's qualification pursuant to subsection 5.5., above; (5) receive and evaluate requests for reinstatement of a contractor's qualification; and, when appropriate, (6) recommend disqualification to the OUSDR&E.

6.5.4. Promulgate and effect regulations to implement this Directive within 180 days.

6.5.5. Disseminate technical data governed by this Directive in the manner prescribed herein, to the extent feasible, during the period after which certification procedures have been established under paragraph 6.1.9., above, but before DoD Components have issued implementing regulations under paragraph 6.5.4., above. However, if such dissemination is not feasible, the DoD Component may process requests for such data in accordance with procedures in effect before the promulgation of this Directive.

7. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Under Secretary of Defense for (Research and Engineering) within 180 days.

A handwritten signature in dark ink, appearing to read "Caspar W. Weinberger". The signature is fluid and cursive, with a large initial "C" and "W".

Caspar W. Weinberger
Secretary of Defense

Enclosures - 5

1. References, continued
2. Definitions, continued
3. Pertinent Portions of Export Administration Regulations (EAR)
4. Pertinent Portions of International Traffic in Arms Regulations (ITAR)
5. Notice to Accompany the Dissemination of Export-controlled Technical Data

E1. ENCLOSURE 1

REFERENCES, continued

- (d) DoD Instruction 5200.21, "Dissemination of DoD Technical Information," September 27, 1979
- (e) DoD 5400.7-R, "DoD Freedom of Information Act Program," December 1980, authorized by DoD Directive 5400.7, March 24, 1980
- (f) Export Administration Regulations
- (g) International Traffic in Arms Regulations
- (h) DoD Federal Acquisition Regulation Supplement, authorized by DoD Directive 5000.35, "Defense Acquisition Regulatory System," March 8, 1978
- (i) Public Law 89-487, "Freedom of Information Act," as amended (5 U.S.C. 552(b)(3) and (4))
- (j) Executive Order 12356, "National Security Information," April 2, 1982
- (k) DoD 5200.1-R, "Information Security Program Regulation," August 1982, authorized by DoD Directive 5200.1, June 7, 1982
- (l) DoD Directive 5230.24, "Distribution Statements on Technical Documents," November 20, 1984
- (m) Militarily Critical Technologies List, October 1984
- (n) DoD Instruction 7230.7, "User Charges," June 12, 1979

E2. ENCLOSURE 2

DEFINITIONS, continued

E2.1.1. Controlling DoD Office. The DoD activity that sponsored the work that generated the technical data or received the technical data on behalf of the Department of Defense and therefore has the responsibility for determining the distribution of a document containing such technical data. In the case of joint sponsorship, the controlling office is determined by advance agreement and may be either a party, a group, or a committee representing the interested activities or DoD Components. (The controlling DoD office is identified on each export-controlled document in accordance with DoD Directive 5230.24, reference (I).)

E2.1.2. Critical Technology. Technologies that consist of (a) arrays of design and manufacturing know-how (including technical data); (b) keystone manufacturing, inspection, and test equipment; (c) keystone materials; and (d) goods accompanied by sophisticated operation, application, or maintenance know-how that would make a significant contribution to the military potential of any country or combination of countries and that may prove detrimental to the security of the United States (also referred to as militarily critical technology).

E2.1.3. Other Legitimate Business Purposes. Include:

E2.1.3.1. Providing or seeking to provide equipment or technology to a foreign government with the approval of the U.S. Government (for example, through a licensed direct foreign military sale).

E2.1.3.2. Bidding, or preparing to bid, on a sale of surplus property.

E2.1.3.3. Selling or producing products for the commercial domestic marketplace or for the commercial foreign marketplace, providing that any required export license is obtained.

E2.1.3.4. Engaging in scientific research in a professional capacity.

E2.1.3.5. Acting as a subcontractor to a concern described in (a) through (d) above; or

E2.1.3.6. Selling technical data subject to this Directive in support of DoD contractors or in support of the competitive process for DoD contracts, provided such

sales are limited solely to DoD contractors or potential DoD contractors who also are qualified U.S. contractors and provided such technical data are related to the purpose for which the qualified U.S. contractor is certified, or selling technical data to foreign contractors or governments overseas after receiving the required export license or approval by the U.S. Government.

E2.1.4. Potential DoD Contractor. An individual or organization outside the Department of Defense declared eligible for DoD information services by a sponsoring DoD activity on the basis of participation in one of the following programs:

E2.1.4.1. The Department of the Army Qualitative Requirements Information Program.

E2.1.4.2. The Department of the Navy Industry Cooperative Research and Development Program.

E2.1.4.3. The Department of the Air Force Potential Contractor Program.

E2.1.4.4. The DoD Scientific and Technical Information Program; or

E2.1.4.5. Any similar program in use by other DoD Components.

E2.1.5. Public Disclosure. Making technical data available without restricting its dissemination or use.

E2.1.6. Technical Data with Military or Space Application, or Technical Data. Any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used or be adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.

E2.1.7. United States. For the purpose of this Directive, the 50 States, the District of Columbia, and the territories and possessions of the United States.

E3. ENCLOSURE 3

PERTINENT PORTIONS OF EXPORT ADMINISTRATION REGULATIONS (EAR)

The following pertinent section of the EAR is provided for the guidance of DoD personnel in determining the releasability of technical data under the authority of this Directive.

Export Administration Regulations Section 379.3

"General License GTDA: Technical Data Available to All Destinations

"A General License designated GTDA is hereby established authorizing the export to all destinations of technical data described in Section 379.3(a), (b), or (c) below:

"(a) Data Generally Available

"Data that have been made generally available to the public in any form, including -

"(1) Data released orally or visually at open conferences, lectures, trade shows, or other media open to the public; and

"(2) Publications that may be purchased without restrictions at a nominal cost, or obtained without costs, or are readily available at libraries open to the public.

"The term 'nominal cost' as used in Section 379.3(a) (2), above, is intended to reflect realistically only the cost of preparing and distributing the publication and not the intrinsic value of the technical data. If the cost is such as to prevent the technical data from being generally available to the public, General License GTDA would not be applicable.

"(b) Scientific or Educational Data

"(1) Dissemination of information not directly and significantly related to design, production, or utilization in industrial processes, including such dissemination by correspondence, attendance at, or participation in, meetings; or

"(2) Instruction in academic institutions and academic laboratories, excluding information that involves research under contract related directly and significantly to design, production, or utilization in industrial processes.

"(c) Patent Applications

"Data contained in a patent application, prepared wholly from foreign-origin technical data where such application is being sent to the foreign inventor to be executed and returned to the United States for subsequent filing in the U.S. Patent and Trademark Office. (No validated export license from the Office of Export Administration is required for data contained in a patent application, or an amendment, modification, supplement, or division thereof for filing in a foreign country in accordance with the regulations of the Patent and Trademark Office 37 CFR Part 5. See Section 370.10(j).)"

E4. ENCLOSURE 4

PERTINENT PORTIONS OF INTERNATIONAL TRAFFIC IN ARMS
REGULATIONS (ITAR)

The following pertinent section of the ITAR is provided for the guidance of DoD personnel in determining the releasability of technical data under the authority of this Directive.

International Traffic in Arms Regulations Section 125.11
"General Exemptions"

"(a) Except as provided in Section 126.01, district directors of customs and postal authorities are authorized to permit the export without a license of unclassified technical data as follows:

"(1) If it is in published⁴ form and subject to public dissemination by being:

"(i) Sold at newsstands and bookstores;

"(ii) Available by subscription or purchase without restrictions to any person or available without cost to any person;

"(iii) Granted second class mailing privileges by the U.S. Government; or,

"(iv) Freely available at public libraries.

"(2) If it has been approved for public release by any U.S. Government Department or Agency having authority to classify information or material under Executive Order [12356], as amended, and other applicable Executive Orders, and does not disclose the details of design, production, or manufacture of any arms, ammunition, or implements of war on the U.S. Munitions List.

⁴ "The burden for obtaining appropriate U.S. Government approval for the publication of technical data falling within the definition in 125.01, including such data as may be developed under other than U.S. Government contract, is on the person or company seeking publication.

"(3) If the export is in furtherance of a manufacturing license or technical assistant agreement approved by the Department of State in accordance with Part 124 of this subchapter.

"(4) If the export is in furtherance of a contract with an Agency of the U.S. Government or a contract between an Agency of the U.S. Government and foreign persons, provided the contract calls for the export of relevant unclassified technical data, and such data are being exported only by the prime contractor. Such data shall not disclose the details of development, engineering, design, production, or manufacture of any arms, ammunition, or implements of war on the U.S. Munitions List. (This exemption does not permit the prime contractor to enter into subsidiary technical assistance or manufacturing license agreements, or any arrangement which calls for the exportation of technical data without compliance with Part 124 of this subchapter.)

"(5) If it relates to firearms not in excess of caliber .50 and ammunition for such weapons, except technical data containing advanced designs, processes, and manufacturing techniques.

"(6) If it consists of technical data, other than design, development, or production information relating to equipment, the export of which has been previously authorized to the same recipient.

"(7) If it consists of operations, maintenance and training manuals, and aids relating to equipment, the export of which has been authorized to the same recipient.⁵

"(8) If it consists of additional copies of technical data previously approved for export to the same recipient; or if it consists of revised copies of technical data, provided it pertains to the identical Munitions List article, and the revisions are solely editorial and do not add to the content of technology previously approved for export to the same recipient.

"(9) If it consists solely of technical data being reexported to the original source of import.

⁵ "Not applicable to technical data relating to Category VI(d) and Category XVI.

"(10) If the export is by the prime contractor in direct support and within the technical and/or product limitations of a 'U.S. Government approved project' and the prime contractor so certifies. The Office of Munitions Control, Department of State, will verify, upon request, those projects which are 'U.S. Government approved,' and accord an exemption to the applicant who applies for such verification and exemption, where appropriate, under this subparagraph.⁶

"(11) If the export is solely for the use of American citizen employees of U.S. firms provided the U.S. firm certifies its overseas employee is a U.S. citizen and has a 'need to know.'⁷

"(12) If the export is directly related to classified information, the export of which has been previously authorized to the same recipient, and does not disclose the details of design, production, or manufacture of any arms, ammunition, or implements of war on the U.S. Munitions List.

"(b) Plant visits. Except as restricted by the provisions of section 126.01 of this subchapter:

"(1) No license shall be required for the oral and visual disclosure of unclassified technical data during the course of a plant visit by foreign nationals provided the data [are] disclosed in connection with a classified plant visit or the visit has the approval of a U.S. Government Agency having authority for the classification of information or material under Executive Order [12356], as amended, and other applicable Executive Orders, and the requirements of section V, paragraph [41(d)] of the Industrial Security Manual are met.

⁶ "Classified information may also be transmitted in direct support of and within the technical and/or product limitation of such verified U.S. Government approved projects without prior department of State approval provided the U.S. party so certifies and complies with the requirements of the Department of Defense Industrial Security Manual relating to the transmission of such classified information (and any other requirements of cognizant U.S. Government departments or agencies).

⁷ "Classified information may also be exported to such certified American citizen employees without prior Department of State approval provided the U.S. party complies with the requirements of the Department of Defense Industrial Security Manual relating to the transmission of such classified information (and any other requirements of cognizant U.S. Government departments or agencies). Such technical data or information (classified or unclassified) shall not be released by oral, visual, or documentary means to any foreign person.

"(2) No license shall be required for the documentary disclosure of unclassified technical data during the course of a plant visit by foreign nationals provided the document does not contain technical data as defined in Section 125.01 in excess of that released orally or visually during the visit, is within the terms of the approved visit request, and the person in the United States assures that the technical data will not be used, adapted for use, or disclosed to others for the purpose of manufacture or production without the prior approval of the Department of State in accordance with Part 124 of this subchapter.

"(3) No Department of State approval is required for the disclosure of oral and visual classified information during the course of a plant visit by foreign nationals provided the visit has been approved by the cognizant U.S. Defense Agency and the requirements of section V, paragraph [41(d)] of the Defense Industrial Security Manual are met."

E5. ENCLOSURE 5

NOTICE TO ACCOMPANY THE DISSEMINATION OF EXPORT-CONTROLLED
TECHNICAL DATA

E5.1.1. Export of information contained herein, which includes, in some circumstances, release to foreign nationals within the United States, without first obtaining approval or license from the Department of State for items controlled by the International Traffic in Arms Regulations (ITAR), or the Department of Commerce for items controlled by the Export Administration Regulations (EAR), may constitute a violation of law.

E5.1.2. Under 22 U.S.C. 2778 the penalty for unlawful export of items or information controlled under the ITAR is up to 2 years imprisonment, or a fine of \$100,000, or both. Under 50 U.S.C., Appendix 2410, the penalty for unlawful export of items or information controlled under the EAR is a fine of up to \$1,000,000, or five times the value of the exports, whichever is greater; or for an individual, imprisonment of up to 10 years, or a fine of up to \$250,000, or both.

E5.1.3. In accordance with your certification that establishes you as a "qualified U.S. contractor," unauthorized dissemination of this information is prohibited and may result in disqualification as a qualified U.S. contractor, and may be considered in determining your eligibility for future contracts with the Department of Defense.

E5.1.4. The U.S. Government assumes no liability for direct patent infringement, or contributory patent infringement or misuse of technical data.

E5.1.5. The U.S. Government does not warrant the adequacy, accuracy, currency, or completeness of the technical data.

E5.1.6. The U.S. Government assumes no liability for loss, damage, or injury resulting from manufacture or use for any purpose of any product, article, system, or material involving reliance upon any or all technical data furnished in response to the request for technical data.

E5.1.7. If the technical data furnished by the Government will be used for commercial manufacturing or other profit potential, a license for such use may be necessary. Any payments made in support of the request for data do not include or involve any license rights.

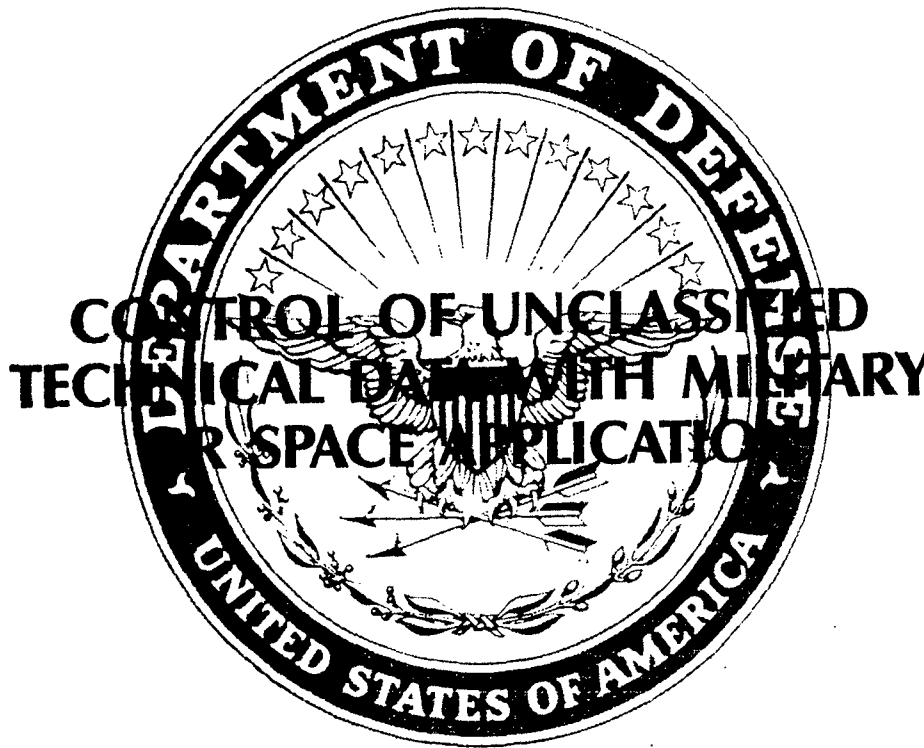
E5.1.8. A copy of this notice shall be provided with any partial or complete reproduction of these data that are provided to qualified U.S. contractors.

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Tab 15

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DEPARTMENT OF DEFENSE



- **Withholding of Unclassified Technical Data From Public Disclosure**
- **Distribution Statements on Technical Documents**

**THE OFFICE OF THE DEPUTY UNDER SECRETARY
OF DEFENSE FOR POLICY**

FOREWORD



May, 1985

It is imperative that we stem the flow of our critical technology to potential adversaries. Without question, the Soviet and Eastern Bloc acquisition of U.S. technology with military application severely undermines our national security. By acquiring our critical technology, the Soviets are able to develop countermeasures to our existing and even anticipated defense systems at a much faster rate and lower cost than would otherwise be possible. Recently, the Congress passed a law authorizing the Secretary of Defense to withhold from public disclosure unclassified export-controlled technical data. The implementation of this new authority is the subject of this pamphlet.

The Department of Defense has issued two new directives that are concerned with improving our protection of unclassified, yet critical, technical data from uncontrolled public disclosure and foreign access. It is essential that the new program be thoroughly understood by all who produce our military systems or utilize DoD technology. We are resolved to meet the challenge posed by the extensive efforts of our adversaries to obtain military-related equipment and technology. We need your help. I ask your fullest cooperation to make this new program work and achieve its intended objective—to protect America's national security.

A handwritten signature in dark ink, appearing to read "L. Britt Snider", is positioned above the printed name.

L. Britt Snider
Principal Director for
Counterintelligence
and Security Policy

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INTRODUCTION

"Stopping the Soviets' extensive acquisition of military-related Western technology in ways that are both effective and appropriate in our open society is one of the most complex and urgent issues facing the Free World today."

The above cited statement from a 1982 report by the Central Intelligence Agency on Soviet Acquisition of Western Technology is as valid today as it was then.

Soviet acquisition of U.S. technology significantly shortens their research and development cycle, and reduces the risks associated with the design of new weapons and defensive systems. The Department recognizes a compelling requirement to improve control of unclassified technology with military or space application in order to reduce the loss of this valuable national asset. The objective is to safeguard such technology in a reasonable and rational manner without adversely affecting business competition, technological innovation or economic growth. Indeed, procedures have been established to facilitate domestic access because through such access competition will be maximized and procurement costs minimized.

This pamphlet provides background on the problem of technology loss, outlines key provisions of the statutes and directives aimed at reducing the loss, and spells out specific actions to be taken by persons working with military-related technical data. It is intended as a ready reference for all those who originate, disseminate, or use DoD technical data. It should be used in conjunction with DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," and DoD Directive 5230.24, "Distribution Statements on Technical Documents."

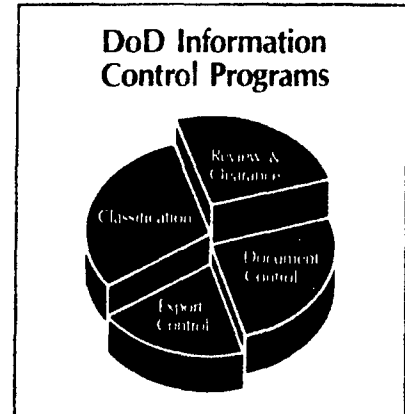
Questions or suggestions concerning this pamphlet are invited and should be addressed to: Director, Counterintelligence and Security Policy, Office of the Deputy Under Secretary of Defense (Policy), the Pentagon, Washington, D.C. 20301-2200.



BACKGROUND

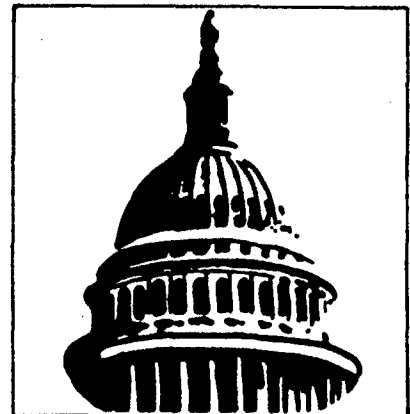
Over the years, the Department of Defense has established programs designed to protect and preserve our technology. Basically, these programs are: Information Security, Pre-Release Review and Clearance, Export Control Licensing, and Scientific and Technical Document Distribution.

These programs reflect a balance between the principles of openness in Government and the Government's legitimate need to regulate the disclosure of certain information in the interest of national security. Collectively, however, they proved inadequate to the challenge posed by extensive efforts of the Soviet Union to obtain our military-related equipment and technology. The difficulty in achieving the objectives of these programs was attributed in part to conflicting legislative policy. For example, the Freedom of Information Act did not provide for withholding unclassified technical data from requesters, including foreign nationals, even though export of the technical data would be otherwise restricted by regulations implementing export control laws. Thus, the problem faced by the Department of Defense was that any release of such data into the public domain resulted in uncontrolled foreign access.



PUBLIC LAW 98-94

The Department of Defense and other Executive Branch agencies presented the problem and the seriousness of its impact on national security to Congress. In September 1983, Congress included in Public Law 98-94, the Defense Authorization Act of 1984, authority for the Secretary of Defense to withhold from public disclosure certain technical data with military or space application. The Department of Defense may now withhold from public disclosure export-controlled technical data requested under provisions of the Freedom of Information Act.

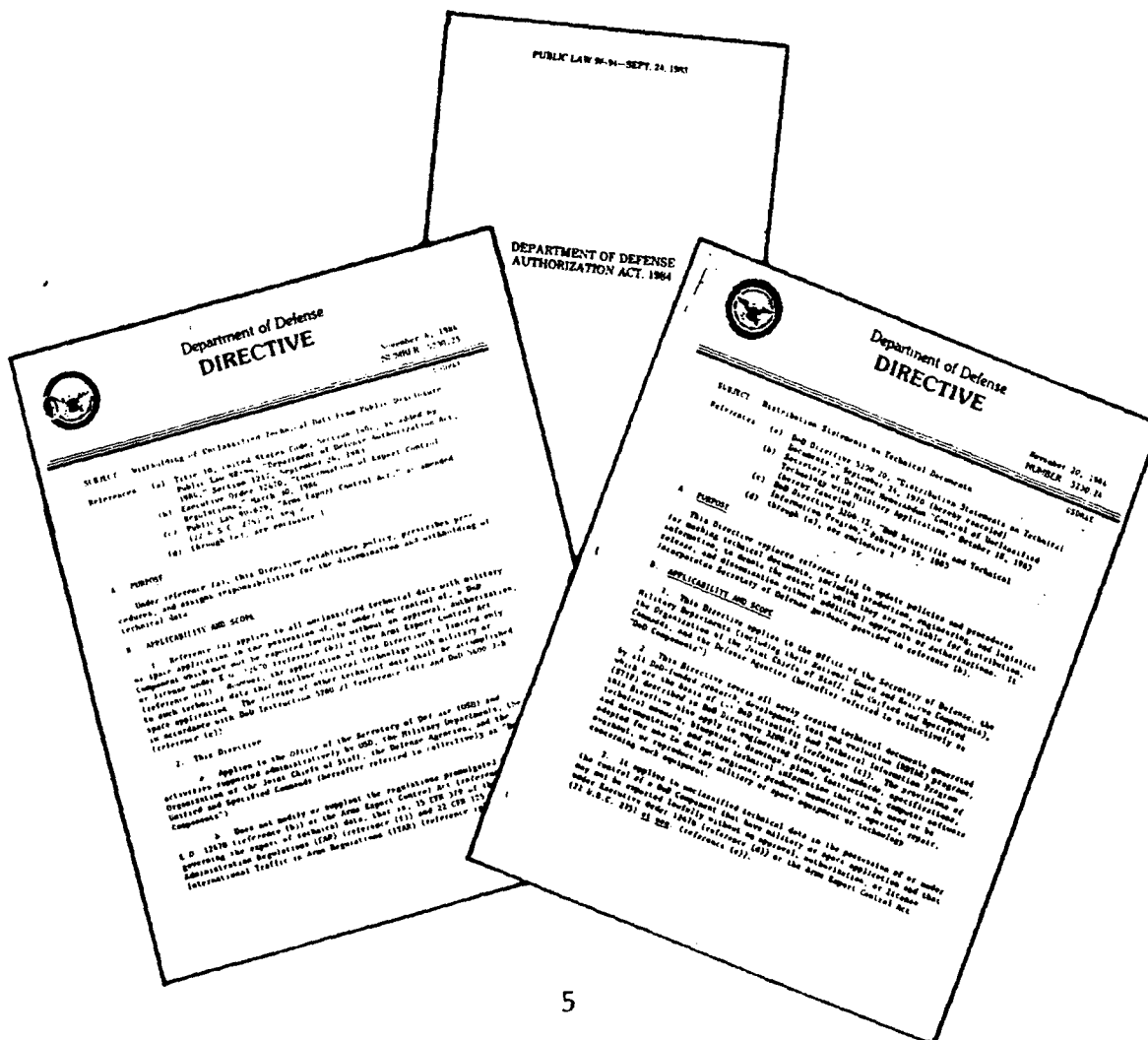


The new legislation and DoD implementing policies do not apply to scientific, educational, or other data not directly and significantly related to design, production, or utilization in industrial processes. Therefore,

there is no impact on the dissemination of information related to fundamental research, or the results thereof, that qualify for a general, unrestricted license under the provisions of the Export Administration Regulations.

DEPARTMENT OF DEFENSE IMPLEMENTATION

The provisions of Section 1217 of Public Law 98-94 are implemented in the Department of Defense by a new directive (DoD Directive 5230.25) that sets forth policies, procedures and responsibilities for the withholding of unclassified technical data from public disclosure. The Department also has issued a new companion directive (DoD Directive 5230.24) that establishes a new distribution marking system for technical documents.



DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure"

Criteria for Withholding

The Directive provides that data may be withheld from public disclosure when all of the following criteria are met. The technical data:

- are in the possession of or under the control of the Department of Defense.
- have military or space application.
- may not be exported lawfully without an approval, authorization or license under U.S. export control laws, and
- disclose critical technology.

Information under the control of or in the possession of the Department of Defense means data created or received by elements of the Department and information developed and produced for the Department under contractual arrangements or other agreements.

The new legislation defines technical data with military or space application as any:

- blueprint,
- drawing,
- plan,
- instruction,
- computer software and documentation, or
- other technical information,

that can be used, or adapted for use, to:

- design,
- engineer,
- produce,
- manufacture
- operate,
- repair,
- overhaul, or
- reproduce

military or space equipment or related technology. However, the Secretary's authority to withhold such data does not extend to technical data authorized for export under a general, unrestricted license, or exemption under regulations implementing the export control laws.

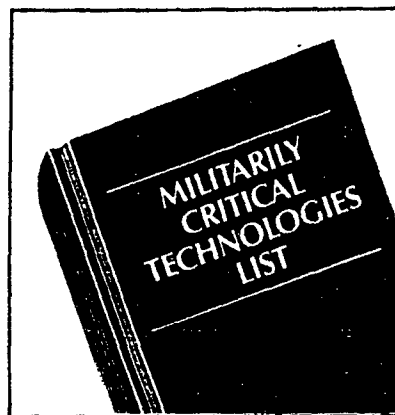
The implementing regulations for the export control laws describe the

technical data that may not be exported lawfully without approval. Generally, technical data related to items on the State Department's Munitions List and the Commerce Department's Commodities Control List, contained in these regulations, require licensing or approval.

"Critical technology" essentially is data that reveals production know-how that would contribute significantly to a country's military potential and possibly prove detrimental to the security of the United States. Such data may be comprised in part or in whole of:

- Arrays of design and manufacturing know-how.
- Keystone manufacturing, inspection, and test equipment.
- Keystone materials.
- Goods accompanied by sophisticated operation, application or maintenance know-how.

The Militarily Critical Technologies List is an excellent aid in identifying "critical technology." Published in both classified and unclassified form in October 1984, it is a detailed and structured technical statement of development, production, and utilization technologies which the Defense Department has determined to be crucial to our military capability and of significant value to potential adversaries.



The DoD activity that sponsored the work that generated the technical data or received the technical data on behalf of the Department has the responsibility for determining whether the criteria for withholding from public disclosure are met. Such activity is referred to in this pamphlet as the "controlling DoD office."

FOIA Denial Authority

DoD Directive 5230.25 provides immediate authority to deny Freedom of Information Act requests for technical data that meet the above criteria. In such cases, the third exemption of the Freedom of Information Act should be cited, which recognizes other statutes which specifically authorize withholding.

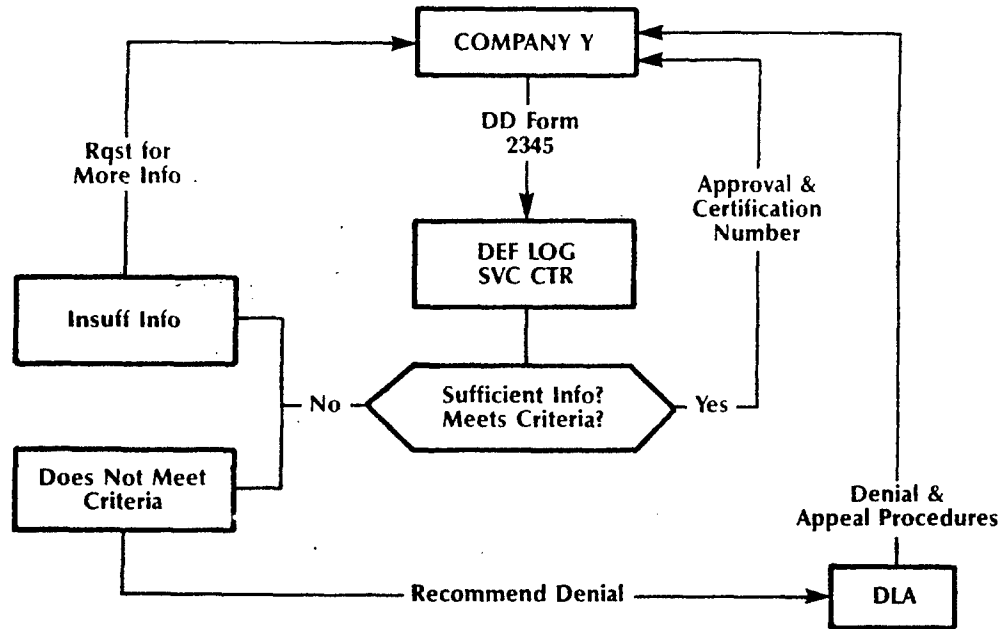


Non-Government Access

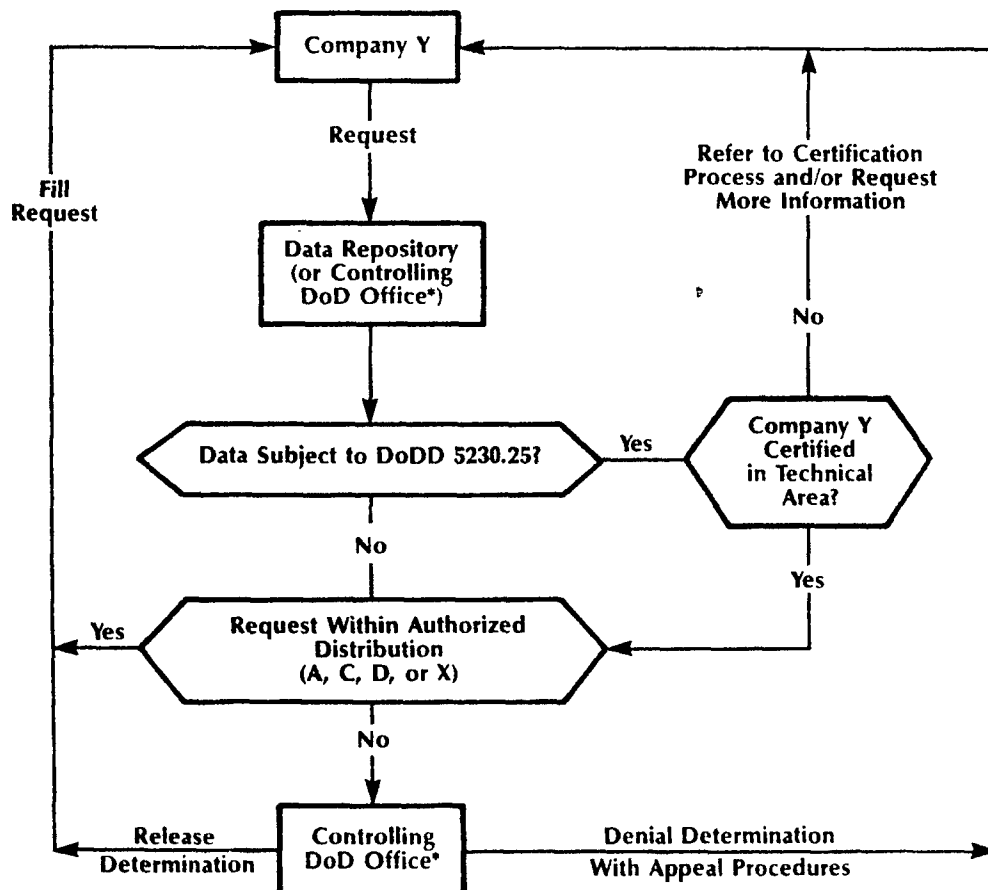
The Department has established a system that accommodates transfer

QUALIFIED CONTRACTOR CERTIFICATION AND DOCUMENT REQUESTS

Request for Certification:



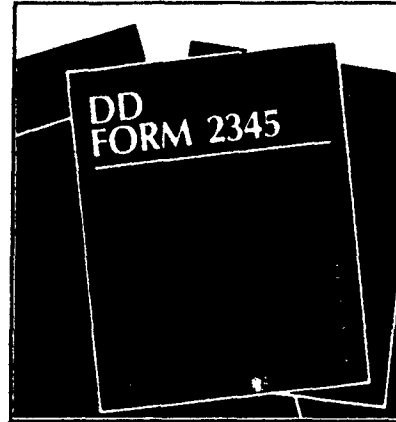
Request for Technical Document:



*If request made direct to Controlling DoD Office, final determination made there.

of export-controlled DoD technical data to persons or enterprises in the U.S. while retaining the protections afforded by national export control laws. This data, however, is provided under a binding agreement and, therefore, is not a public disclosure. The system, established in the new Directive (5230.25) includes a process for certifying those who need access and outlines procedures for obtaining the data required.

Certification is accomplished using DD Form 2345, called an "Export-Controlled DoD Technical Data Agreement." The Form is in effect a self-certification that the applicant will use the data only in ways that will maintain the protections afforded by U.S. export control laws.



Application for Eligibility

To illustrate the process, "Company Y" will identify an individual who will receive export-controlled technical data on the company's behalf. This individual must be a U.S. citizen or person admitted lawfully into the United States for permanent residence, and now living in the United States. Company Y further certifies that it needs the data to bid or perform on a contract with the Department of Defense or other government agency or for other legitimate business purposes.

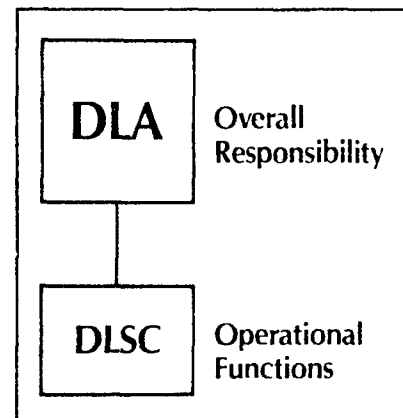
"Other legitimate business purposes" include:

- bidding or preparing to bid on a sale of surplus property;
- selling or producing products for the commercial marketplace, foreign or domestic;
- engaging in scientific research;
- acting as a subcontractor for a concern that may be involved in the preceding activities; or
- selling technical data that are subject to the new legislation in support of DoD contractors or in support of the competitive process for DoD contracts.

The description of Company Y's business activity should be sufficiently detailed to allow a determination whether the export-controlled technical data subsequently requested are reasonably related to the company's business. For example, the firm might explain that it designs and constructs high-pressure, high-volume hydraulic pumps for use in aircraft control surfaces rather than simply stating "hydraulic pumps."

Company Y acknowledges its responsibilities under U.S. export control laws, including its obligation, under certain circumstances, to obtain an export license before releasing technical data within the United States. It agrees not to publicly disclose any export-controlled DoD technical data it receives under this agreement and agrees to disseminate the data only to employees, persons acting on its behalf, and those for whom the company has specific authorization.

The Defense Logistics Agency has overall responsibility for administering the certification system, and the Defense Logistics Services Center, located in Battle Creek, Michigan, carries out the operational functions. It collects the certifications and maintains them in a data base. The Center also will disseminate a list of contractors eligible for access to export-controlled DoD technical data.



Company Y submits the DD Form 2345 to the Commander, Defense Logistics Services Center, Attention: DLSC-FBA, Federal Center, Battle Creek, Michigan, 49017-3084. The Center will respond to questions concerning completion of the Form and related matters such as identifying contractors which have been certified under the program.



The Center will review the submitted DD Form 2345 within five working days and:

- accept the certification;
- return it because of insufficient information, or
- forward the Form to Headquarters, Defense Logistics agency, with a recommendation to reject the certification because the contractor does not meet the eligibility requirements.

Companies that are certified will be assigned a certification number and will be eligible to receive export-controlled DoD technical data for a renewable five year period.

The certification form is relatively simple to complete. When executed by both parties, it constitutes an agreement between the certifying company and the Defense Department. If a contractor violates the provisions of the agreement,



the Department may revoke the firm's certification for access to export-controlled data. However, re-certification is possible in instances when the basis for the revocation has been remedied by the contractor. If a contractor exports the data without benefit of license or authorization, it may be in violation of the export control laws and subject to severe criminal penalties.

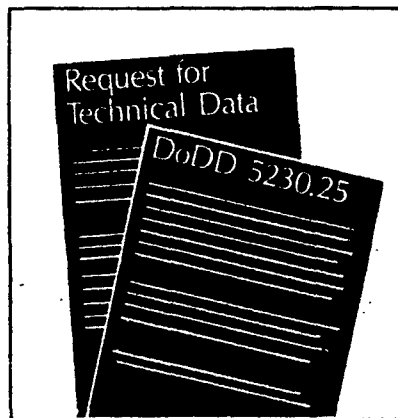
U.S. contractors become qualified on the date DoD accepts their certification, and these contractors will receive a renewal notice 120 days before their certification expires. However, certified contractors should submit a revised DD Form 2345 whenever information previously furnished becomes outdated—if, for example, ownership, purpose of business, or company name changes.

If the Department rejects the certification, it will send the company, by certified mail, a copy of the rejection, stating the reasons for the rejection, explaining appeal rights, and notifying the firm that it should appeal within thirty days.

Requests for Export-controlled Technical Data

A U.S. contractor, once qualified, obtains export-controlled technical data from the Department of Defense by submitting a request, along with a statement of intended use, to the appropriate repository or controlling office. There, it will be reviewed to determine whether the data requested are subject to the provisions of DoD Directive 5230.25. If the data are *not* subject to the Directive, the controlling office will fill the request unless other regulations limit dissemination of the data.

If the technical data is subject to the provisions of DoD Directive 5230.25, the controlling office will determine whether the requestor is a qualified U.S. contractor and that the intended use of the technical data falls within the scope of the business purpose for which the company is certified before releasing the data. When export-controlled technical data is released to qualified U.S. contractors, it will include a notice cautioning the recipient that:



- Export of DoD technical data without first obtaining approval or license from the Government may constitute a violation of law;
- Penalties for unlawful export range from imprisonment of up to 2-10 years or fines from \$100,000 – \$1,000,000 or combinations of both;
- Unauthorized dissemination of this information is prohibited and may result in disqualification of the recipient to receive further DoD export-controlled technical data; and

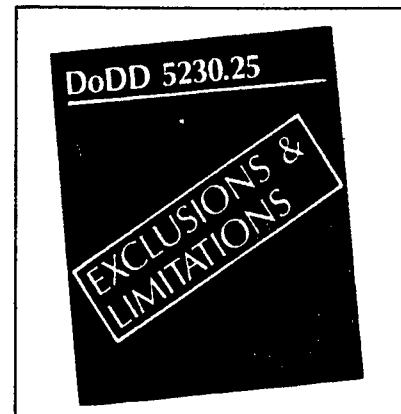
- Such disqualification may be considered in determining eligibility for future contracts with DoD.

If the request for data is denied, the Department will furnish a written explanation and procedures to appeal the denial.

Exclusions/Limitations

The provisions of the new Directive do not:

- modify the regulations that implement the Export Control Laws;
- alter responsibilities of DoD components to protect proprietary data of a private party in which the Department of Defense has limited rights or restricted rights;
- affect release of technical data by DoD components to foreign governments, international organizations, or their representatives or contractors, pursuant to official agreements or U.S. Government-licensed transactions;
- apply to classified technical data (although after declassification such data will be considered under the Directive on the same basis as originally unclassified data);
- provide authority to deny technical data to Congress or to any Federal, State, or local governmental agency that requires the data for official governmental purposes. (Data so disseminated will include a statement on DoD control in accordance with DoD Directive 5230.25);
- permit withholding from public disclosure unclassified information regarding DoD operations, policies, activities, or programs (but technical data subject to the Directive will be excised from the material disclosed publicly);
- provide a basis for release of information authorized to be withheld under any of the exemptions of the Freedom of Information Act.



DoD Directive 5230.24, "Distribution Statements on Technical Documents"

To identify technical data covered by DoD Directive 5230.25 and to facilitate dissemination of technical data within the Defense community, a new distribution marking system has been established. The new distribution markings have two basic purposes: to identify documents that contain information the dissemination of which is controlled by statute or regulation, and to indicate the extent of secondary distribution that is permissible without further authorization or approval of the originator.



Export-Control Warning Notice

The new distribution marking system mandates the use of the following warning notice on all documents that contain export-controlled technical data:

"WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 *et seq.*) or Executive Order 12470. Violators of these export laws are subject to severe criminal penalties."

The controlling office may affix this notice in conjunction with any distribution marking except Statement A, which authorizes public release. This notice indicates that DoD Directive 5230.25 procedures are to be followed for dissemination outside the U.S. Government.

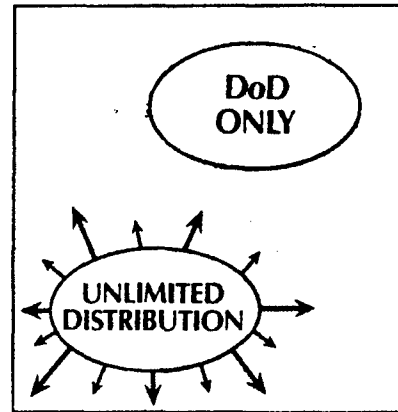
The controlling DoD office also must assign a distribution statement that specifies the extent of dissemination without the need for additional authorization. That statement will be one of seven contained in this second newly approved Directive.

Marking Requirements

Distribution statement markings are now mandatory for all newly generated technical documents, including working papers, memoranda, and preliminary reports, if those documents are not already in the public domain and if they are likely to be disseminated outside the Department of Defense. DoD managers of technical programs must assign distribution statements to all technical documents generated within their programs before primary distribution. However, this requirement does not apply to contractors' technical proposals or similar documents submitted in anticipation of contract awards.

There is no requirement in the new directive for retroactive application of distribution statements or other control markings to technical documents in files or storage that were created prior to the establishment of the new program. However, when such documents are requested or otherwise activated for dissemination, they should be evaluated for content. If it is determined that they: contain DoD export-controlled technical data; have not been placed in the public domain; and are to be disseminated outside the Department of Defense they shall be marked appropriately under the new system.

The seven authorized distribution statements provide options ranging from unlimited distribution to no secondary distribution without specific authority of the controlling DoD office. In selecting and applying the appropriate statement, DoD officials must consider the information contained in the document and the audience for which it is intended. For example, distribution of proprietary information, which is not owned by the Department and is protected by a contractor's "limited rights" statement will be regulated to ensure protection of the contractor's rights. In addition to proprietary information, the Department can apply distribution statements to technical documents that contain or reveal:



- foreign government information,
- contractor performance evaluations,
- technical or operational information used solely for official administrative or operational purposes,
- critical technology,
- information not appropriate for premature dissemination because it pertains to systems or hardware in the developmental or conceptual stage, or
- export-controlled technical data.

Distribution statements are not in themselves authority to withhold unclassified technical data from public disclosure. Such determinations are the responsibility of the controlling DoD office and will be made in accordance with DoD Directive 5400.7, "The DoD Freedom of Information Act Program."

Distribution Statements

The seven distribution statements with notes on their meaning and use are illustrated below.

DISTRIBUTION STATEMENT A

"Approved for public release; distribution is unlimited."

This statement may only be used on *unclassified* technical documents that have been *cleared for public release by competent authority* under public affairs directives. Documents marked with Distribution Statement A are assumed to be placed in the public domain; therefore, any technical data contained in or revealed by such documents are no longer subject to export controls.

DISTRIBUTION STATEMENT B

"Distribution authorized to U.S. Government agencies only (*fill in reason*) (*date of determination*). Other requests for this document shall be referred to (*insert controlling DoD office*)."

This statement may be used on unclassified or classified technical documents. Examples of information which, if included in technical documents, would be reason for assigning Distribution Statement B include:

- Proprietary information not owned by the U.S. Government and protected by a contractor's "limited rights" statement.
- Foreign Government Information to be protected and limited in distribution in accordance with the desires of the government that furnished the technical information.
- Contractor performance evaluation in management reviews or other advisory documents evaluating programs of contractors.

Other types of information that might be basis for assigning Distribution Statement B are:

- Test and Evaluation Data;
- Administrative or Operational Use Publications;
- Software Documentation;

- Other information requiring protection in accordance with documented authority such as Executive Orders, classification guidelines, or DoD Component regulations.

DISTRIBUTION STATEMENT C

"Distribution authorized to U.S. Government agencies and their contractors (*fill in reason*) (*date of determination*). Other requests for this document shall be referred to (*insert controlling DoD office*)."

This statement may be used on unclassified or classified technical documents. Examples of information which, if included in technical documents, would be reason for assigning Distribution Statement C include:

- Technical data that advance current technology or describe new technology in an area of potentially significant military application.
- Technical data that relate to a military deficiency of a potential adversary.

Other types of information that might be the basis for assigning Distribution Statement C include:

- Administrative or operational use reports.
- Information protected by specific authority.

DISTRIBUTION STATEMENT D

"Distribution authorized to the Department of Defense and DoD contractors only (*fill in reason*) (*date of determination*). Other requests shall be referred to (*insert controlling DoD office*)."

This statement may be used on unclassified or classified technical documents. Examples of information which, if included in technical documents, would be reason for assigning Distribution Statement D include:

- Information on systems or hardware in the development or concept stage when premature disclosure must be prevented.
- Software documentation.
- Information protected by specific authority.

DISTRIBUTION STATEMENT E

"Distribution authorized to DoD Components only (fill in reason) (date of determination). Other requests shall be referred to (insert controlling DoD office)."

This statement may be used on unclassified or classified technical documents. Examples of information which, if included in technical documents, would be reason for assigning Distribution Statement E include:

- Export-controlled technical data designated by competent authority in accordance with DoD Directive 5230.25 to be of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage of the United States.
- Foreign government information.
- Information requiring protection against premature dissemination.
- Software documentation
- Critical technology.
- Information protected by specific authority.

DISTRIBUTION STATEMENT F

"Further dissemination only as directed by (insert controlling DoD office) (date of determination) or higher DoD authority."

This statement normally is used only on classified technical documents, but may be used on unclassified technical documents when specific authority exists. It is used only when the DoD originator determines the information is subject to special dissemination limitation.

DISTRIBUTION STATEMENT X

"Distribution authorized to U.S. Government agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with regulations implementing 10 U.S.C. 140c (date of determination). Other requests must be referred to (insert controlling DoD office)."

This statement is used on unclassified documents when distribution statements B, C, D, E or F are not applicable but the document does contain export-controlled technical data determined, in accordance with DoD Directive 5230.25, to require restricted dissemination.

**SPECIAL APPLICATION
HIGH DENSITY MATERIALS**

**Air Force Materiel Laboratory
Wright-Patterson Air Force Base**

20 April 1985

"WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C. Sec. 2751 et seq.) or Executive Order 12470. Violators of these export laws are subject to severe criminal penalties."

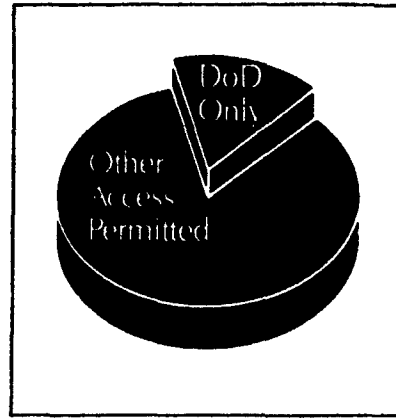
"Distribution authorized to Government agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with regulations implementing 10 U.S.C. 140c. Date of determination: 20 April 1985. Other requests must be referred to Air Force Materiel Laboratory, Wright-Patterson AFB."

"DESTRUCTION NOTICE - For classified documents, follow the procedures in DoD 5220.22-M Industrial Security Manual, Section 11-19 or DoD 5200.1-R, Information Security Program Regulation, Chapter IX. For unclassified, limited documents, destroy by any method that will prevent disclosure of contents or reconstruction of the document."

**(Example of marking for a Distribution X
Document Containing Export-Controlled
Technical Data)**

Requests for documents from those outside the community designated by Statements B through F and X will be referred to the controlling DoD office for a release determination.

The Department of Defense is dividing export-controlled data into two categories. Most of the export-controlled data can be distributed to individuals or organizations outside the Government who make appropriate certifications. A second and much smaller category of data, the release of which could jeopardize an important technological or operational military advantage, will be provided qualified U.S. contractors only when the data is for DoD-approved uses. Perhaps the best example of such technology would be Naval Nuclear Propulsion Information. This type of data will normally be marked with Distribution Statement E or F. A listing of such data can be obtained from the Office of the Under Secretary of Defense for Research and Engineering.



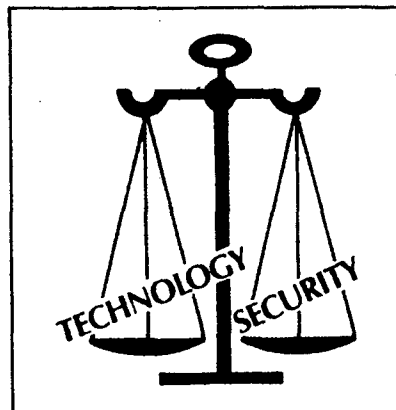
Destruction Notice

Finally, documents containing export-controlled data must also bear the following marking:

"DESTRUCTION NOTICE - For classified documents, follow the procedures in DoD 5220.22-M, Industrial Security Manual, Section II-19 or DoD 5200.1-R, Information Security Program Regulation, Chapter IX. For unclassified, limited documents, destroy by any method that will prevent disclosure of contents or reconstruction of the document."

OVERALL EFFECT OF THE SYSTEM

The intent of the system is that it stem the flow of military-related technical data to our adversaries without stifling technological growth, blocking the exchange of technical data that is vital to progress and innovation, or reducing the competitiveness of U.S. industry in world markets. Properly applied, the system will keep critical technology from our adversaries but permit it to flow to government agencies and private entities that have legitimate need for it.



Tab 16

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Department of Defense INSTRUCTION

NUMBER 5230.27

October 6, 1987

USD(A)

SUBJECT: Presentation of DoD-Related Scientific and Technical Papers at Meetings

- References: (a) DoD Directive 3200.12, "DoD Scientific and Technical Information Program," February 15, 1983
(b) DoD Directive 5200.12, "Policy on the Conduct of Meetings Involving Access to Classified Information," September 24, 1984
(c) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
(d) through (h), see enclosure E1.

1. PURPOSE

This Instruction amplifies policy set forth in reference (a), assigns responsibilities, prescribes procedures, and provides guidance for consideration of national security concerns in the dissemination of scientific and technical information in the possession or under the control of the Department of Defense at conferences and meetings. It supports current policies regarding classified meetings and requirements for review of scientific and technical papers; provides guidance for reviewing and presenting papers containing export-controlled DoD technical data; establishes procedures for obtaining DoD advice on independently-produced scientific and technical papers; and provides criteria for identifying fundamental research activities performed under contract or grant that are excluded from review requirements.

2. APPLICABILITY AND SCOPE

This Instruction applies to the Office of the Secretary of Defense (OSD) DoD Field Activities, the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Defense Agencies, and the Unified and Specified Commands (hereafter

referred to collectively as "DoD Components").

3. DEFINITIONS

3.1. Contracted Fundamental Research. Includes grants and contracts that are (a) funded by budget Category 6.1 ("Research"), whether performed by universities or industry or (b) funded by budget Category 6.2 ("Exploratory Development") and performed on-campus at a university. The research shall not be considered fundamental in those rare and exceptional circumstances where the 6.2-funded effort presents a high likelihood of disclosing performance characteristics of military systems or manufacturing technologies that are unique and critical to defense, and where agreement on restrictions have been recorded in the contract or grant.

3.2. DoD Personnel. All civilian officers and employees, including special Government employees, of all DoD Components, and all active duty officers (commissioned and warrant) and enlisted members of the Army, Navy, Air Force, and Marine Corps.

4. POLICY

It is DoD policy to:

4.1. Encourage the presentation of scientific and technical information generated by or for the Department of Defense at technical meetings consistent with United States laws and the requirements of national security.

4.2. Permit DoD Components to conduct scientific and technical conferences, and to permit DoD Component personnel to attend and participate in scientific and technical conferences that are of demonstrable value to the Department of Defense, and consult with professional societies and associations in organizing meetings of the societies and associations that are mutually beneficial.

4.3. Allow the publication and public presentation of unclassified contracted fundamental research results. The mechanism for control of information generated by DoD-funded contracted fundamental research in science, technology, and engineering performed under contract or grant at colleges, universities, and non-government laboratories is security classification. No other type of control is authorized unless required by law.

4.4. Release information at meetings in a manner consistent with statutory and regulatory requirements for protecting the information. Such requirements include, but are not limited to, protection of classified, unclassified export-controlled, proprietary, privacy, and foreign government-provided information.

4.5. Provide timely review of DoD employee and contractor papers intended for presentation at scientific and technical conferences and meetings, and if warranted and authorized by contract in the case of contractor employees, prescribe limitations on these presentations. Dissemination restrictions shall be used only when appropriate authority exists.

4.6. Assist DoD contractors and, when practical, others in determining the sensitivity of or the applicability of export controls to technical data proposed for public disclosure.

4.7. Approve release of classified or controlled unclassified DoD information to foreign representatives when such release promotes mutual security or advances the interests of an international military agreement or understanding in accordance with foreign disclosure policies of the Department of Defense. Presentation of such information at technical meetings attended by foreign representatives is appropriate when the release is made under the terms of existing security arrangements and when the Department of Defense and receiving government have established an understanding or agreement in that specific scientific or technical area.

4.8. Refrain from interfering with the planning and organizing of meetings sponsored and conducted by non-government organizations. The type and level of DoD participation in such meetings will be determined taking account of such factors as benefit to the Department of Defense and how the meetings are being conducted.

5. PROCEDURES

5.1. General. Conferences organized by DoD Components, DoD contractors, scientific and engineering societies, and/or professional associations, among others, can enhance the value of research and development sponsored by the Federal Government, and in such cases require full cooperation of all involved parties to obtain maximum benefits. Every effort should be made to develop presentations that are appropriate for delivery to the widest appropriate audience consistent with the interests of national security. In general, national security concerns related to the disclosure of DoD scientific and technical information at meetings are influenced by two mutually

dependent factors; i.e. the sensitivity of the material to be presented, and the identity of proposed recipients of the material. These considerations and their impact on proposed meetings can be evaluated only through consultation among authors, conference organizers, and officials responsible for authorizing release of DoD information. The purpose of this consultation is to ascertain which combination of factors will support the most productive exchange of information consistent with U.S. laws and the requirements of national security. Interaction among concerned parties should commence at least six months before the meeting date.

5.2. Information to be Presented. Possibilities range from completely unclassified/unlimited through classified information. Other considerations having an impact on meeting organization include, but are not limited to, proprietary data, export-controlled data, Privacy Act information, and foreign government-provided data.

5.2.1. Classified information may be presented only at meetings organized in accordance with DoD Directive 5200.12 (reference (b)).

5.2.2. Unclassified export-controlled DoD technical data may be presented only in sessions where recipients are eligible to receive such data as established by DoD Directive 5230.25 (reference (c)).

5.2.3. Presentation of proprietary information, privacy data, and foreign government-provided data requires approval of the party controlling that information.

5.3. Location of Meetings and Access Controls. To a large degree location of and access to meetings are dependent on the type of material to be presented.

5.3.1. Papers which have been cleared for public release may be presented at any location and before any audience.

5.3.2. Criteria established by DoD Directive 5230.25 (reference (c)) for releasing unclassified documents containing unclassified export-controlled DoD technical data also are applicable to presentations containing such data. Unclassified export-controlled DoD technical data may be released to:

5.3.2.1. United States and Canadian government officials, with the understanding that the information is to be used for official government purposes only. Technical data that falls outside the exemptions for export to Canada in United States export regulations may not be transferred under this and the following provision.

5.3.2.2. United States and Canadian citizens and resident aliens when

disclosure is subject to the terms of a current (DD Form 2345) "Militarily Critical Technical Data Agreement."

5.3.2.3. Foreign nationals and United States citizens acting as representatives of foreign interests where disclosure is made in accordance with a license, approval, or exemption under the International Traffic in Arms Regulations (reference (f)) or the Export Administration Regulations (reference (g)).

5.3.3. Non-government organizations who organize meetings in the United States at which unclassified export-controlled DoD technical data is to be presented will be required to ensure that physical access to the presentations is limited to those eligible to receive such data (as described in subparagraph 5.3.2. above) before being permitted to present such data.

5.3.4. Meetings sponsored by a United States Government Agency at which unclassified export-controlled DoD technical data is to be presented may be held in any location in the United States when control of physical access to the sessions is provided by a United States Government employee or a contractor specifically tasked by Department of Defense for that duty.

5.3.5. Presentation of unclassified export-controlled DoD technical data in meetings held outside the United States may be permitted on a case-by-case basis after review of the situation by officials authorized to do so by the Director of Defense Research and Engineering, Office of the Under Secretary of Defense (Acquisition) or heads of DoD Components.

5.3.6. When it is necessary to limit access to presentations of DoD-related scientific and technical papers, and private or professional organizations are unwilling or unable to provide required controls, DoD Components may, at their discretion, conduct meetings which correlate in place and topic with open meetings of such societies to take advantage of the fact that interested parties are already gathered.

5.3.7. Classified information may be presented only at meetings held in a secure Government or cleared contractor facility, unless a waiver has been granted in accordance with DoD Directive 5200.12 (reference (b)). Personnel access controls for classified meetings also are specified in reference (b).

5.4. Foreign Representative Access to Meetings

5.4.1. For classified meetings sponsored by the Department of Defense and conducted at a contractor facility, guidelines for foreign participation are established in

DoD Directive 5230.11 (reference (d)), and DoD Instruction 5230.20 (reference (e)). Guidelines for the reporting of foreign participation in classified meetings are contained in DoD Directive 5200.12 (reference (b)).

5.4.2. For unclassified meetings sponsored and conducted by organizations other than the Department of Defense, the sole responsibility of determining whether foreign access is appropriate rests with the sponsor. The level and type of DoD participation in the meeting shall take into account the presence of foreign representatives, if any.

5.4.3. In order to advance the interests of an international military agreement or understanding, the Department of Defense may wish to release to certain foreign nationals unclassified export-controlled DoD technical data being presented at unclassified, restricted access meetings sponsored and conducted by non-government societies and associations. Release in such cases by Department of Defense shall be pursuant to appropriate exemptions to the International Traffic in Arms Regulations (22 CFR 126) (reference (f)), which relieves the society or association from responsibility to obtain export approvals for these presentations. DoD sponsorship is for the sole purpose of granting access to DoD-sponsored technical information. When societies or associations agree to DoD sponsorship of foreign attendance under these circumstances, the visit request procedures established in DoD Instruction 5230.20 (reference (e)) shall be used to obtain and process requests from foreign representatives for sponsorship, and to inform the requester and the meeting sponsor of the decision to release the information and conditions pertaining to such release.

5.5. Clearance for Public Release. A review is required by DoD Directive 5230.9 (reference (h)) for all public releases by DoD personnel, including all presentations from DoD laboratories. DoD contractors are required to submit proposed presentations for review if that is a specific contractual requirement. Papers resulting from unclassified contracted fundamental research are exempt from republication controls and this review requirement.

5.5.1. Proposed presentations shall be reviewed to:

5.5.1.1. Determine what information, if any, in the submitted paper and/or abstract is subject to security classification, is subject to withholding from public disclosure under DoD Directive 5230.25 (reference (c)), or is otherwise restricted by statute, regulation or DoD policy.

5.5.1.2. Recommend specific changes, if any, to allow the paper to be

presented as requested.

5.5.1.3. Indicate on the document its releasability in original and amended versions.

5.5.1.4. Provide information on appeal procedures to be followed if requested clearance is denied.

5.5.2. Reviews shall be completed as speedily as possible after receipt of the document by an appropriate public clearance authority. If a review cannot be completed in a timely manner, an explanation shall be provided. Every effort shall be made to complete the review in:

5.5.2.1. Ten working days for all abstracts.

5.5.2.2. Twenty working days for papers submitted for presentation at sessions that will have unlimited access.

5.5.2.3. Thirty working days for papers submitted for presentation at unclassified sessions that will have limited access.

5.5.2.4. Thirty working days for papers submitted for presentation at sessions that will be classified.

5.6. Voluntary Submissions. Authors or organizations not subject to mandatory reviews may submit their papers to DoD activities to obtain advice on national security concerns. Resources permitting, DoD public release activities shall arrange review of the papers and (a) inform the author that the Department of Defense has no objection to public presentation or (b) inform the author that the Department of Defense advises that presentation in a public forum would not be in the interest of national security, and provide appropriate reasons for the determination. The clearance for public presentation, (a) above, satisfies an exemption from requirements for Government review under the International Traffic in Arms Regulations. The latter determination, (b) above, does not legally bar presentation. It is an advisory statement that, for the presentation concerned, Department of Defense is not providing the authority for public release. Such DoD action does not preclude recourse by the author through normal State Department export license procedures.

5.7. Submission Procedures.

5.7.1. Authors shall submit full text and/or abstract of paper for review

before submitting it to conference organizers. Clearance of abstract does not satisfy any requirement for clearance of the full paper. Requests for review shall identify the conference sponsor(s), site, and access restrictions specified by the session organizers, and shall state whether the paper is for presentation at a session that is to be unclassified with unlimited access, unclassified with limited access, or classified. Level of classification and access restrictions shall be specified, where appropriate.

5.7.2. Papers shall be submitted for public and/or foreign disclosure clearance in sufficient time to allow adequate review and possible revision. Authors should allow adequate time for their presentation to reach the appropriate review authority in addition to the review targets set in paragraph 5.5.2., above.

5.7.3. At time of submission of the full text of the presentation to the Conference Program Committee, authors should state that their papers have been approved for presentation at the meeting and specify the security level of degree of access control required. When submitting abstracts that have been cleared for release, authors should indicate when and what kind of approval is expected on the presentation in its final form.

5.8. In accordance with DoD Directive 3200.12 (reference (a)), copies of proceedings and/or reprints of papers sponsored by the Department of Defense for all scientific and technical meetings will be provided to the Defense Technical Information Center, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304 for secondary distribution.

6. RESPONSIBILITIES

6.1. The Under Secretary of Defense for Acquisition (USD(A)) shall be responsible for implementing this Instruction.

6.2. The Deputy Under Secretary of Defense for Research and Advanced Technology shall:

6.2.1. Administer and monitor compliance with this Instruction.

6.2.2. Provide, when necessary, technical assistance to DoD Components in determining sufficiency of protection of unclassified technical information that is to be presented at meetings.

6.2.3. Provide, upon request, information and advice regarding controls on

unclassified DoD information to scientific and engineering societies and professional associations.

6.3. The Under Secretary of Defense for Policy (USD(P)) shall develop and promulgate, as required, policy guidance to DoD Components for implementing this Instruction.

6.4. The Deputy Under Secretary for Defense (Policy) (DUSD(P)) shall establish and monitor compliance with policies and procedures for disclosure of classified information at meetings.

6.5. The Heads of DoD Components shall:

6.5.1. Promulgate this Instruction within 180 days.

6.5.2. Designate an individual who will be responsible for reviewing and approving requests for export-controlled meetings outside the United States, and for ensuring compliance with this Instruction.

7. EFFECTIVE DATE AND IMPLEMENTATION

This Instruction is effective immediately. DoD Components may issue implementing documents to ensure compliance within their organizations. Forward two copies of any implementing documents to the Director of Defense Research and Engineering within 180 days.



Ronald L. Kerber
Deputy Under Secretary of Defense
(Research and Advanced Technology)

Enclosures - 1

1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (d) DoD Directive 5230.11, "Disclosure of Classified Military Information to Foreign Governments and International Organizations," December 31, 1984
- (e) DoD Instruction 5230.20, "Control of Foreign Representatives," June 25, 1984
- (f) International Traffic in Arms Regulations, 22 CFR 121-128
- (g) Export Administration Regulations
- (h) DoD Directive 5230.9, "Clearance of DoD Information for Public Release," April 2, 1982

Tab 17

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Department of Defense DIRECTIVE

NUMBER 5400.7

September 29, 1997

ASD(PA)

SUBJECT: DoD Freedom of Information Act (FOIA) Program

- References:
- (a) DoD Directive 5400.7, "DoD Freedom of Information Act Program," September 9, 1997 (hereby canceled)
 - (b) Section 552 of title 5, United States Code, as amended, "Freedom of Information Act"
 - (c) DoD 5025.1-M, "DoD Directives System Procedures," August 1994, authorized by DoD Directive 5025.1, June 24, 1994
 - (d) DoD 5400.7-R, "DoD Freedom of Information Act Program," May 22, 1997, authorized by this Directive
 - (e) through (i), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

- 1.1. Reissues reference (a) to update policies and responsibilities for the implementation of the DoD FOIA Program under reference (b).
- 1.2. Continues to authorize, consistent with reference (c), the publication of reference (d), the single DoD Regulation on the FOIA Program.
- 1.3. Continues to delegate authorities and responsibilities for the effective administration of the FOIA program.

2. APPLICABILITY AND SCOPE

- 2.1. This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant

Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

2.2. National Security Agency/Central Security Service records are subject to this Directive unless the records are exempt under Section 6 of Pub. L. 86-36 (1959), codified at Section 402 of 50 U.S.C. note (reference (e)). The records of the Defense Intelligence Agency, National Reconnaissance Office, and the National Imagery and Mapping Agency are also subject to this Directive unless the records are exempt under Section 424 of 10 U.S.C. (reference (f)).

3. POLICY

It is DoD policy to:

3.1. Promote public trust by making the maximum amount of information available to the public, in both hard copy and electronic formats, on the operation and activities of the Department of Defense, consistent with DoD responsibility to ensure national security.

3.2. Allow a requester to obtain agency records from the Department of Defense that are available through other public information services without invoking the FOIA.

3.3. Make available, under the procedures established by DoD 5400.7-R (reference (d)), those agency records that are requested by a member of the general public who explicitly or implicitly cites the FOIA.

3.4. Answer promptly all other requests for information, agency records, objects, and articles under established procedures and practices.

3.5. Release agency records to the public unless those records are exempt from mandatory disclosure as outlined in Section 552 of 5 U.S.C. (reference (b)). Make discretionary disclosures of exempt records or information whenever disclosure would not foreseeably harm an interest protected by a FOIA exemption.

3.6. Process requests by individuals for access to records about themselves contained in a Privacy Act system of records under procedures set forth in DoD 5400.11-R (reference (g)), and procedures outlined in this Directive as amplified by reference (d).

4. RESPONSIBILITIES

4.1. The Assistant Secretary of Defense for Public Affairs shall:

4.1.1. Direct and administer the DoD FOIA Program to ensure compliance with policies and procedures that govern the administration of the program.

4.1.2. Issue a DoD FOIA regulation and other discretionary instructions and guidance to ensure timely and reasonably uniform implementation of the FOIA in the Department of Defense.

4.1.3. Internally administer the FOIA Program for OSD, the Chairman of the Joint Chiefs of Staff and, as an exception to DoD Directive 5100.3 (reference (h)), the Combatant Commands.

4.1.4. As the designee of the Secretary of Defense, serve as the sole appellate authority for appeals to decisions of respective Initial Denial Authorities within OSD, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, and the DoD Field Activities.

4.2. The General Counsel of the Department of Defense shall provide uniformity in the legal interpretation of this Directive.

4.3. The Heads of the DoD Components shall:

4.3.1. Publish in the "FEDERAL REGISTER" any instructions necessary for the internal administration of this Directive within a DoD Component that are not prescribed by this Directive or by other issuances of the Assistant Secretary of Defense (Public Affairs). For the guidance of the public, the information specified in Section 552(a)(1) of 5 U.S.C. (reference (b)) shall be published in accordance with DoD Directive 5400.9 (reference (i)).

4.3.2. Conduct training on the provisions of this Directive, reference (b), and DoD 5400.7-R (reference (d)) for officials and employees who implement the FOIA.

4.3.3. Submit the report prescribed in Chapter 7 of reference (d).

4.3.4. Make available for public inspection and copying in an appropriate facility or facilities, in accordance with rules published in the "FEDERAL

REGISTER," the records specified in Section 552(a)(2) of reference (b), unless such records are published and copies are offered for sale. These records shall be made available to the public in hard copy, by computer telecommunications, or other electronic means.

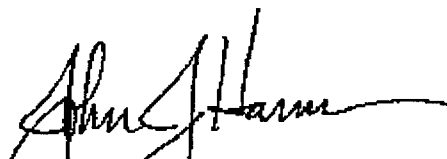
4.3.5. Maintain and make available for public inspection and copying current indices of all (a)(2) records as required by section 552(a)(2) of reference (b).

5. INFORMATION REQUIREMENTS

The reporting requirements in Chapter 7 of reference (d) have been assigned Report Control Symbol DD-PA(A)1365.

6. EFFECTIVE DATE

This Directive is effective immediately.



John J. Hamre
Deputy Secretary of Defense

Enclosures - 1

1. References

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Section 6 of Public Law 86-36, codified at Section 402 of title 50, United States Code, note, "National Security Agency Act of 1959"
- (f) Section 424 of title 10, United States Code, "Disclosure of Organizational and Personnel Information: Exemption for Defense Intelligence Agency, National Reconnaissance Office and National Imagery and Mapping Agency"
- (g) DoD 5400.11-R, "Department of Defense Privacy Program," August 31, 1983, authorized by DoD Directive 5400.11, "Department of Defense Privacy Program," June 9, 1982
- (h) DoD Directive 5100.3, "Support of the Headquarters of Unified, Specified and Subordinate Commands," November 1, 1988
- (i) DoD Directive 5400.9, "Publication of Proposed and Adopted Regulations Affecting the Public," December 23, 1974

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Tab 18

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Department of Defense DIRECTIVE

NUMBER 5535.3

May 21, 1999

DDR&E

SUBJECT: DoD Domestic Technology Transfer (T2) Program

- References:
- (a) DoD Directive 5535.3, "Licensing of Government-Owned Inventions by the Department of Defense," November 2, 1973 (hereby canceled)
 - (b) Secretary of Defense Memorandum, "DoD Domestic Technology Transfer/Dual Use Technology Development," June 2, 1995 (hereby canceled)
 - (c) DoD 3200.12-R-4, "Domestic Technology Transfer Program Regulation," December 1988, authorized by DoD Directive 3200.12, February 11, 1983 (hereby canceled)
 - (d) Sections 3702, 3703, 3705, 3706, 3710, 3712, 3715 of title 15, United States Code
 - (e) through (k), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a) and supersedes references (b) and (c).

1.2. Implements, establishes policy, and assigns responsibility for DoD domestic T2 activities under reference (d), as they apply to the Department of Defense, and under 10 U.S.C. (reference (e)), as they apply to the T2 activities of the Department of Defense.

2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

3. DEFINITIONS

The following terms, used in this Directive, are defined in DoD Instruction 5535.8 (reference (f)):

3.1. Cooperative Research and Development Agreement (CRADA).

3.2. Laboratory (as broadly defined in 15 U.S.C. 3710a(d)(2)(A), reference (d), for this Directive).

3.3. Nonprofit institution (Sections 3703 and 3710(i) of reference (d) and E.O. 12999 (reference (g)) for this Directive).

3.3. Technical assistance.

3.4. T2.

4. POLICY

It is DoD policy that:

4.1. Consistent with national security objectives under 10 U.S.C. 2501 (reference (e)), domestic T2 activities are integral elements of DoD pursuit of the DoD national security mission and concurrently improve the economic, environmental, and social well-being of U.S. citizens (Section 3702 of reference (d)). Concurrently, T2 supports a strong industrial base that the Department of Defense may utilize to supply DoD needs. Those activities must have a high-priority role in all DoD acquisition programs and are recognized as a key activity of the DoD laboratories and all other DoD activities (such as test, logistics, and product centers and depots and arsenals) that may make use of or contribute to domestic T2.

4.2. Domestic T2 programs, including spin-off, dual use, and spin-on activities, make the best possible use of national scientific and technical capabilities to enhance the effectiveness of DoD forces and systems.

4.3. It is further DoD policy to:

4.3.1. Promote domestic T2 through a variety of activities, such as CRADAs, cooperative agreements, other transactions, education partnerships, State and local government partnerships, exchange of personnel, presentation of technical papers, and other ongoing DoD activities.

4.3.2. Promote domestic T2 through U.S. and foreign patenting, patent licensing, and protecting other intellectual property rights. DoD inventions applicable for licensing shall be publicized to accelerate transfer of technology to the domestic economy. T2 is of the greatest benefit when the patented invention is commercialized (35 U.S.C. 200 and 207, reference (h)).

4.3.3. Allow non-Federal entities to use independent research and development funding as a part of their contributions to domestic T2 activities, including CRADAs, cooperative arrangements, and other transactions (Subpart 31.205-18(e) of the FAR, reference (i)).

4.3.4. Include domestic T2 as a duty and responsibility in position descriptions for applicable scientific, engineering, management, and executive positions.

4.3.5. Allow CRADAs between a DoD Component and DoD contractors, in accordance with DoD conflict of interest rules (DoD Directive 5500.7, reference (j)) and export control laws and regulations.

4.3.6. Ensure that domestic transfers of technology are accomplished without actual or apparent personal or organizational conflicts of interest or violations of ethics standards.

4.3.7. Allow conduct of T2 activity with foreign persons, industrial organizations, or government R&D activities, in accordance with export control laws, regulations, and policies and laws, regulations and policies governing foreign military sales (FMS). Consideration should be given to whether or not the government of such persons or industrial organization allows similar relationships and whether such activities benefit the U.S. industrial base and are consistent with the U.S. export control and FMS frameworks (E.O. 12591, reference (k)).

4.3.8. Encourage domestic T2 by giving preference to U.S. small business firms, consortia involving U.S. small business firms, and firms located in the United States.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Acquisition and Technology shall ensure that the Director, Defense Research and Engineering, shall:

5.1.1. Implement 10 U.S.C. 2515 (reference (e)) to monitor all DoD R&D activities; identify DoD R&D activities using technologies and technology advancements that have potential non-DoD commercial application; serve as a clearinghouse for, coordinate, and otherwise help the transfer of technology to the U.S. private sector; assist private firms to resolve policy issues involved with the transfer of technology from the Department of Defense; and consult and coordinate with other Federal Departments on matters involving T2.

5.1.2. Serve as oversight authority for execution of all domestic T2 science and technology (S&T) matters and coordination with, as applicable, other DoD officials for matters under their oversight. As part of that oversight, the Director, Defense Research and Engineering, (DDR&E) shall define core domestic T2 S&T mechanisms and provide policy guidance for DoD Component investments in such mechanisms.

5.1.3. Develop policy for DoD Component participation in, and support of, Federal S&T domestic T2 programs.

5.1.4. Develop guidance for implementation of domestic T2 policy, to include coordination with other DoD officials for matters under their cognizance.

5.1.5. Coordinate input from the DoD Components and prepare reports to the Congress, as required by 15 U.S.C. (reference (d)) and reference (e), the Office of Management and Budget, and others, as may be imposed by higher authority.

5.1.6. Ensure that the DoD Components establish T2 awards programs and make applicable T2 awards.

5.1.7. Ensure that the Administrator, Defense Technical Information Center (DTIC), maintains and provides development support for T2 databases useful to the Office of the DDR&E (ODDR&E) and the DoD Components.

5.2. The Secretaries of the Military Departments and the Heads of the other DoD Components, including the Directors of the Defense Agencies, under the OSD Principal Staff Assistants, shall:

5.2.1. Ensure that domestic T2 is a high priority in their organizations. That includes establishing processes to promote T2 and developing plans for improving T2 for matters under their oversight, to include specific objectives and milestones.

5.2.2. Provide inputs for reports, as required by the ODDR&E, including T2 transaction and program investment data to DTIC.

5.2.3. Develop personnel policies for R&D executives, managers, laboratory directors, scientists, and engineers that make domestic T2 a critical factor for consideration in promotions, a critical element in performance appraisals, and a duty and responsibility in position descriptions where applicable. Those policies also shall ensure that members of the Office of Research and Technology Applications (ORTA) staff are included in the overall laboratory and/or Agency and/or DoD Field Activity management development programs.

5.2.4. Execute a T2 education and training program for scientists and engineers and other personnel who may be involved in domestic T2.

5.2.5. Establish an awards program, including cash awards, to recognize domestic T2 accomplishments.

5.2.6. Institute policies for protecting inventions and other intellectual property arising from Federally supported R&D. That includes policies for patenting inventions, licensing the patented inventions, and maintaining the patents with commercial potential. Costs and expenses to acquire and maintain those patents shall be funded by the DoD Components. That shall not preclude collaborating parties from paying costs and expenses associated with protecting intellectual property rights.

5.2.7. Institute policies under which laboratories may be authorized to license, assign, or waive rights to intellectual property and distribute royalties and other payments, in accordance with DoD Instruction 5535.8 (reference (f)).

5.2.8. Implement marketing and outreach programs.

5.2.9. Provide support of mission-related domestic T2 activities with mission program element funds and ensure that domestic T2 programs have adequate staff and resources, giving particular attention to payment of salaries and travel expenses of scientific, engineering, legal, and ORTA personnel involved in T2. That includes costs and expenses associated with initiation and/or negotiation of CRADAs and other agreements.

5.2.10. Ensure implementation of all T2 functions, as required in 15 U.S.C. 3710(c) (reference (d)), by the ORTA or other domestic T2 focal points.

5.2.11. Allow use of partnership intermediaries to obtain domestic T2 support. Approval authority may be redelegated to the heads of the DoD laboratories.

5.2.12. Ensure that the directors and/or the commanders of laboratories make domestic T2 a high-priority element of their S&T programs by plan, budget, and execution.

5.2.13. Ensure that laboratories and other activities prepare applications assessments for selected R&D projects that may have commercial applications.

5.2.14. Encourage laboratories to provide technical assistance services, including help by technical volunteers, to State and local governments, school systems, and other organizations, where applicable.

5.3. The Heads of the DoD Components (other than the Secretaries of the Military Departments) , including the Directors of the Defense Agencies, under the OSD Principal Staff Assistants, are delegated the authority of the Secretary of Defense to:

5.3.1. Loan, lease, or give research equipment or educationally useful Federal equipment, consistent with export control laws and regulations, which is excess to the needs of the laboratory to an educational institution or nonprofit institution for the conduct of technical and scientific education and research activities (Section 3710(i) of reference (d), and E.O. 12999 and 10 U.S.C. 2194, references (g) and (e)). That authority may be further delegated.

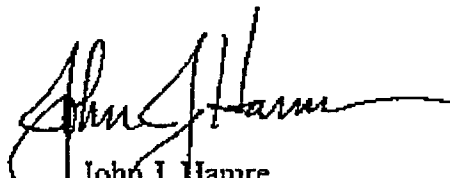
5.3.2. Enter into CRADAs with entities other than foreign governmental entities (Section 3710a of reference (d)). That authority may be further delegated.

6. INFORMATION REQUIREMENTS

The Secretaries of the Military Departments and the Heads of the other DoD Components shall provide inputs for reports, as required by the ODDR&E in paragraph 5.2.2., above, including T2 transaction and program investment data to the DTIC under Reports Control Symbol DDA&T(A)2020.

7. EFFECTIVE DATE

This Directive is effective immediately.



John J. Hamre
Deputy Secretary of Defense

Enclosures - 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Sections 2501, 2506, 2514-2516, 2358, 2371, 2194, 2195 of title 10, United States Code
- (f) DoD Instruction 5535.8, "DoD Technology Transfer Program Procedures," May 14, 1999
- (g) Executive Order 12999, "Educational Technology: Ensuring Opportunity for All Children in the Next Century," April 17, 1996
- (h) Sections 200 and 207-209 of title 35, United States Code
- (i) Federal Acquisition Regulation, Subpart 31.205-18(e), "Independent Research and Development and Bid and Proposal Costs," current edition
- (j) DoD Directive 5500.7, "Standards of Conduct," August 30, 1993
- (k) Executive Order 12591, "Facilitating Access to Science and Technology," April 10 1987



Department of Defense INSTRUCTION

NUMBER 5535.8

May 14, 1999

DDR&E

SUBJECT: DoD Technology Transfer (T2) Program

- References:
- (a) DoD Directive 5535.3, "Department of Defense Technology Transfer (T2) Program," May 21, 1999
 - (b) DoD 5025.1-M, "DoD Directives System Procedures," August 1994, authorized by DoD Directive 5025.1, June 24, 1994
 - (c) Sections 2501, 2506, 2514, 2516, 2358, 2371, 2194, 2195 of title 10, United States Code
 - (d) Sections 3702, 3703, 3705, 3706, 3710, 3712, 3715 of title 15, United States Code
 - (e) through (o), see enclosure 1

1. PURPOSE

This Instruction:

1.1. Implements policy, assigns responsibilities, and prescribes procedures under reference (a) for implementation of T2 programs.

1.2. Authorizes issuance of DoD 5535.8-H, in accordance with reference (b).

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

3. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

4. POLICY

It is DoD policy under DoD Directive 5535.3 (reference (a)) that, consistent with U.S. security objectives set out at 10 U.S.C. 2501 (reference (c)), T2 activities shall be an integral element of the DoD national security mission, a high-priority role in all DoD acquisition programs, and recognized as a key activity of the DoD laboratories and/or technical activities and all other DoD activities that may make use of or contribute to T2.

5. RESPONSIBILITIES

5.1. The Director, Defense Research and Engineering, under the Under Secretary of Defense for Acquisition and Technology, shall monitor compliance with this Instruction and DoD Directive 5535.3 (reference (a)).

5.2. The Deputy Director, Defense Research and Engineering, Technology Transition, shall:

5.2.1. Fulfill requirements in 10 U.S.C. 2515 (reference (c)), to:

5.2.1.1. Monitor all DoD research and development (R&D) activities.

5.2.1.2. Identify R&D activities using technologies and technology advancements that have potential non-DoD commercial application.

5.2.1.3. Serve as a clearinghouse for, coordinate, and otherwise facilitate T2 to the private sector.

5.2.1.4. Assist private firms to resolve problems involved with the transfer of technology from the Department of Defense.

5.2.1.5. Consult and coordinate with the other Federal Departments on matters involving T2.

5.2.2. Circumscribe core T2 science and technology (S&T) mechanisms for DoD Component investment. That procedure is prescribed in section 6., below.

5.2.3. Ensure effective and consistent application of U.S. and DoD guidance impacting the participation of foreign individuals and organizations in DoD T2 transactions.

5.2.4. Issue DoD 5535.8-H to provide common practices, procedures, and processes necessary to promote a uniform DoD approach to T2 between the Department of Defense and its partners.

5.3. The Secretaries of the Military Departments and the Heads of the Other DoD Components, including the Directors of the Defense Agencies, under the OSD Principal Staff Assistants, shall be responsible for:

5.3.1. Accomplishing T2 in their organizations, as defined in DoD Directive 5535.3, subsection 5.2. (reference (a)).

5.3.2. Ensuring that all DoD laboratories and/or technical activities, as defined in 15 U.S.C. 3710a(d)(2) (reference (d)), and all other organizations capable of supporting or making use of T2, shall make T2 a high priority in accomplishing their programs.

6. PROCEDURES

6.1. The DoD Components may participate in, and shall support, Federal S&T T2 programs. That includes, but is not limited to, the following:

6.1.1. Each DoD Component shall transfer funds to the National Institute of Standards and Technology to support the Federal Laboratory Consortium (FLC), as required in 15 U.S.C. 3710e(7)(A)-3710e(7)(C) (reference (d)).

6.1.2. Federal resources such as the National Technology Transfer Center and the Regional Technology Transfer Centers managed through the National Aeronautics and Space Administration and the National Technical Information Service may be used, when applicable.

6.1.3. Ongoing programs or projects supporting U.S. initiatives such as the Partnership for a New Generation Vehicle are encouraged.

6.1.4. Laboratory personnel are encouraged to participate in conferences, seminars, workshops, and other mission-related technical activities of interest due to the mission of the particular laboratory.

6.1.5. Collaborative efforts between the DoD laboratories and/or technical activities or between DoD laboratories and other Federal Agency activities are encouraged.

6.2. The DoD Components are encouraged to use any combinations of spin-off, dual-use, and spin-on mechanisms that are most effective for accomplishment of T2 objectives.

6.2.1. T2 ensures DoD programs make the best possible use of national scientific and technical capabilities to enhance the effectiveness of DoD forces and systems. Commercial availability of DoD-developed technologies can be expected to lower the costs of acquiring military equipment by providing the opportunity to take advantage of economies of scale and buy from a larger commercial industrial base. The following mechanisms are core DoD T2 mechanisms and as such should be part of DoD Components' investment strategies. The list, while extensive, is not meant to be exclusive of other mechanisms.

6.2.1.1. Cooperative Research and Development Agreements - CRADAs should be used whenever possible to expand capabilities for R&D and to transfer technology developed jointly or independently to enhance both defense capabilities and the civilian economy. The cost and expense of development, negotiation, and implementation of CRADAs should be funded from laboratory resources.

6.2.1.2. Other core T2 mechanisms include, alphabetically: contracts, cooperative agreements, education partnerships, exchange of personnel, exchange of technical data, grants, other transactions, partnerships with universities, patenting, patent license agreements and other intellectual property licensing agreements, presentations of technical papers, technical assistance, and technology assessments.

6.2.2. That recommendation aligns DoD T2 with other elements in the DoD new acquisition strategy, which gives greater emphasis to dual-use technology development and spin-on from the private sector. Several considerations, which are also relevant for T2, have prompted that new strategy. Affordability is a key consideration in weapon system acquisition and sustainment, where the commercial acquisition of products provides economies of scale and resulting cost savings. The

Department of Defense frequently will benefit from making DoD-developed technologies available to the commercial sector so that subsequent DoD acquisitions may benefit from such economies of scale.

6.2.3. Dual-use and spin-on also take advantage of the strategic advantages inherent in the U.S. civilian economy and technology base. A DoD-unique acquisition strategy may result in the fielding of obsolescent systems.

6.2.4. The increased attention being given to dual-use and spin-on does not mean that there is no longer an important role for in-house research, development, test, and evaluation (RDT&E) in the DoD Components. Some technologies are unique to the DoD missions. Some technological capabilities may be adapted to make them fully suitable for DoD applications. Despite those considerations, there has been a change in emphasis. The DoD Components are encouraged to experiment with new dual-use and spin-on mechanisms in T2.

6.3. The Heads of the DoD laboratories and/or technical activities, as defined in enclosure 2, shall prepare, with the business planning processes of their organizations, a T2 business plan that describes how the responsibilities prescribed in the DoD Directive 5535.3, paragraphs 5.2.1. through 5.2.14. (reference (a)), have been addressed for the current year. Those plans shall identify the activities for the year ahead and describe efforts to make improvements in that program.

6.4. To accomplish its role, the Director, Defense Research and Engineering (DDR&E), as the central authority and clearinghouse for DoD T2, requires various reports from the DoD Components. Those reports include, but are not limited to, the OMB Circular A-11 (reference (e)) report, the Defense T2 Information System (DTTIS) reports, and the DoD Component business plans. Those reports also help the DDR&E highlight DoD T2 successes as part of the reporting requirements to the Congress. Details on the DTTIS and other reporting requirements are in section 7., below, and in separate DDR&E issuances.

6.5. DoD Directive 5535.3 (reference (a)) requires that the Heads of the DoD Components shall develop personnel policies for R&D executives, managers, laboratory directors, scientists, and engineers that make T2 a critical element for position descriptions, job performance appraisals, and promotions. They are also required to ensure that members of the Office of Research and Technology Applications (ORTA) staff are included in the overall laboratory and/or Agency and/or DoD Field Activity management development programs. Procedures to accomplish that include, but are not limited to, the following:

6.5.1. Including statements in personnel position descriptions similar to those found in enclosure 3.

6.5.2. Including identification of critical factors for consideration in promotions for T2 personnel in the T2 business plans of the DoD Components.

6.5.3. Providing incentives for ORTA personnel such as training or future job assignments, as an incentive to attract the best people to those positions.

6.5.4. Making knowledge of T2 a required knowledge, skill, and ability for all laboratory scientific or engineering job announcements.

6.6. The implementation and execution of a viable T2 program requires education and training of personnel, including all scientists and engineers, and other personnel who may be involved in T2. All the DoD Components are encouraged to institute applicable organization-wide T2 training programs that provide personnel with the requisite knowledge base and skills. Some sources of training include the FLC, the NTTC, the Technology Transfer Society, the Association of University Technology Managers, colleges and universities, and other professional organizations.

6.7. Under the authorities of 15 U.S.C. 3710b and DoD 1400.25-M (references (d) and (f)), the Deputy DDR&E, recognizes S&T T2 achievements through a variety of mechanisms, including monetary rewards to DoD winners of FLC awards.

6.7.1. DoD recipients of FLC awards may receive a cash award. The amount may be provided to one Federal employee or appropriately divided if there is more than one Federal employee for each organization. When notified, the DoD Components shall provide the names of their FLC award recipient(s) to the ODDR&E. If cash awards are available, they shall be provided through personnel pay system disbursements.

6.7.2. Letters of appreciation and other forms of recognition may be issued for specific T2 accomplishments. Such honorary awards may be presented to individuals and teams, which may include Federal employees as well as non-Federal employees, who shall have made exceptional achievements in T2.

6.8. Patents are one of the original instruments of T2 and represent one of the clearest means to characterize an innovation and to describe how it may be of benefit to the user. Procedures for protecting intellectual property shall include the following:

6.8.1. Evaluation of inventions arising from R&D efforts.

6.8.2. Filing and prosecuting patent applications for those inventions selected as having sufficient benefit to justify obtaining patent protection.

6.8.3. Determination of which patents shall remain enforceable through payment of required maintenance fees.

6.8.4. Providing for payment of costs and expenses to acquire and maintain patents and other intellectual property from the program elements funds, overhead accounts, royalties or other payments, or other sources, as applicable, of the DoD Components. That does not preclude collaborating parties from paying costs and expenses associated with intellectual property rights.

6.9. Distribution of royalties and other payments received by the DoD Components.

6.9.1. Royalties or other payments received on account of any invention licensed by a DoD Component shall be payable to the inventor or each co-inventor, as prescribed in the remainder of this paragraph. The DoD Component shall pay to the inventor or each co-inventor each year, at least \$2,000 plus equal shares of at least 20 percent of the remainder of the royalties or other payments. In the absence of extrinsic evidence that co-inventors made unequal contributions to the invention, subject to review and approval by the concerned legal counsel for the DoD Component, it shall be presumed that the co-inventors made equal contributions to the invention and are entitled to equal shares of the 20 percent remainder of the royalties or other payments. If the royalties or other payments received in any given year are less than or equal to \$2,000, or for co-inventors, less than or equal to \$2,000 times the number of inventors, the entire amount is paid to the inventor, or for co-inventors, the entire amount is divided equally among the co-inventors. The inventor or co-inventors shall receive their prescribed share of any royalties or other payments, as received by the Government on an annualized basis.

6.9.2. Royalties or other payments from inventions to any one person shall not exceed \$150,000 for each year without Presidential approval, as in 5 U.S.C. 4504 (reference (g)).

6.9.3. A DoD Component or subordinate laboratory, when authority is delegated, may provide applicable incentives from royalties or other payments, to laboratory employees who are not inventors or co-inventors of such inventions, but

who substantially increase the technical value of such inventions. When the incentive is in the form of a monetary payment, such payments may be at any level subject to the authority of the DoD Component or activity that approved the payment, but such payments shall not exceed the limits established in paragraphs 6.9.1. and 6.9.2., above. Payments may be on a one-time or annual basis, and they shall cease when the employee is no longer employed by that DoD Component.

6.9.4. Inventors shall be entitled to royalties or other payments income, as discussed in subsection 6.1. through paragraph 6.9.3., above, and paragraph 6.9.4. through subparagraph 6.9.5.3., below, regardless of the date of the invention.

6.9.5. Assignment and use of royalties or other payments income shall be applied, in accordance with the following schedule:

6.9.5.1. Royalties or other payments shall be used by the end of the second fiscal year (FY) succeeding the FY in which the royalties and other payments were received.

6.9.5.2. After assignment of royalties and other payments to inventors under paragraph 6.9.1., above, any remainder may be used for the following:

6.9.5.2.1. Payment of expenses incidental to administration and licensing of inventions and other intellectual property.

6.9.5.2.2. Other activities of the DoD Component that increase the licensing potential for transfer of DoD technology.

6.9.5.2.3. Scientific R&D consistent with the R&D mission and objectives of activities of the DoD Component.

6.9.5.2.4. Reward of scientific, engineering, and technical employees of activities of the DoD Component.

6.9.5.2.5. Promotion of scientific exchange among other activities in the DoD Component.

6.9.5.2.6. Education and training of employees consistent with the R&D mission and objectives of the Department of Defense.

6.9.5.3. Each DoD Component shall prescribe its own regulations as to whether inventors or co-inventors, whose whereabouts are unknown for 1 year, or more, are entitled to further royalty payments.

6.10. U.S. and DoD initiatives to stimulate economic competitiveness, reform the acquisition process, and integrate the civilian and defense industrial bases, all stress the need for improved interaction between the laboratories and/or technical activities and the industrial and academic sectors. Laboratories and/or technical activities shall have formal programs to stimulate "spin-off" and "spin-on" to eliminate the perception that the laboratories and/or technical activities compete with the private sector, and to develop new partnerships with broad segments of industry and academia. The implementation and execution of a viable T2 program also shall require applicable forms of marketing and outreach. The intent of marketing and outreach activities is to communicate, inform, or collaborate with stakeholders, in the T2 community.

6.10.1. The cost and expenses associated with establishing and operating a T2 Office or an ORTA shall come from the program element funds, overhead accounts, royalties or other payments, or other sources, as applicable, of the DoD Components. Subsection 3710(b) of 15 U.S.C. (reference (d)), requires that the DoD Components shall make available sufficient funding to support the T2 functions. An office (ORTA), that provides coordination, administration, and management of DoD T2, shall function at all DoD laboratories and/or technical activities with 200 or more scientific, engineering, or related technical positions regardless of individual laboratory and/or technical activity funding issues.

6.10.2. The Heads of DoD laboratories and/or technical activities shall develop procedures to provide support to mission-related T2 activities and shall ensure that T2 programs are adequately staffed and resourced. For example, program element funds may be used to pay the costs and expenses of initiation and negotiation of CRADAs and other agreements. Those procedures shall give particular attention to payment of salaries and travel expenses of scientific, engineering, and legal personnel and ORTA personnel involved in T2.

6.10.3. Marketing and outreach activities are part of the functions of the ORTA. The DoD Components are encouraged to utilize multiple means to conduct marketing and outreach programs, such as the following:

6.10.3.1. Advanced information technologies (including websites, search and/or retrieval tools, webcasting, and collaboration applications).

6.10.3.2. Personal and professional contacts.

6.10.3.3. Advertising.

6.10.3.4. Joint technical publications.

6.10.3.5. Requests for collaborations in the Commerce Business Daily.

6.10.3.6. Use of Advanced Planning Briefing for Industry.

6.10.3.7. Press releases for relevant industrial publications.

6.10.3.8. Use of the North American Industrial Classification System for targeted mailings to industry.

6.10.3.9. Education partnerships.

6.10.3.10. Symposia and conferences.

6.10.3.11. Alliances with local, regional, and U.S. T2 networks and organizations (i.e., State and local business development organizations).

6.10.4. Some DoD laboratories and/or technical activities have unique technical and other capabilities that may be of benefit to non-Federal organizations. It is applicable for laboratories and/or technical activities to advertise and demonstrate such capabilities to promote fee-for-service use. The Heads of the DoD Components and laboratory managers shall develop and implement policies to ensure that such advertising and use of laboratory facilities is consistent with U.S. and DoD policy for such matters. Particular attention shall be given to the objective of avoiding situations in which a DoD laboratory is competing with or providing services available from other domestic sources. Special emphasis shall be given to development and implementation of policies to ensure that fee-for-service use of DoD facilities does not degrade performance of primary mission activities in the laboratories and/or technical activities.

6.11. Intermediaries affiliated with State or local governments may ease communication and understanding between defense laboratories and/or technical activities and non-Federal entities. Intermediaries normally conduct a number of functions for the laboratory that a laboratory cannot perform due to lack of skills or expertise. The goal of the intermediaries is to assist the laboratory in forming and

maintaining productive technology partnerships. The DoD Components are encouraged to delegate authority, to the maximum extent possible, for entering into partnerships with intermediaries.

6.11.1. The intermediaries shall provide a number of services, including consulting services, strategic planning, military and commercial technology assessments, integration with Federal core research and/or focus and/or outreach areas, and technology marketing. They also may provide coordinated media and legislative interface and assistance with DoD conversion activities. One of their attributes is their ability to interface with small business and regional economies interested in commercializing Federal technology.

6.11.2. Intermediaries normally shall provide services to the affiliated defense lab and/or center typically under a contract, CRADA, educational partnership agreement, or memorandum of understanding and/or memorandum of agreement. Intermediaries may be professional societies; industry and trade associations; economic development associations; DoD conversion and/or technology development Agencies; academic institutions; State, regional, or local governments; and for-profit consultants and/or firms under competed procurement contracts. A specific type of intermediary, a "Federal Partnership Intermediary," is described in 15 U.S.C. 3715(c) (reference (d)). The DoD Components are encouraged to delegate authority for such decisions to the maximum extent possible.

6.12. Technology assessment is an important part of the T2 process. Technology assessments shall be conducted to determine the potential commercial value of a laboratory and/or the intellectual property of a technical activity. Technology assessment shall be a continuous process in DoD laboratories and/or technical activities to enable development of a portfolio of marketable technologies that may be used to respond to inquiries and unanticipated application opportunities defined by potential clients. Assessment includes identifying candidate products and/or processes and evaluating potential to validate feasibility, suitability, and marketability.

6.13. Besides intermediaries, use of consultants and contractors to support T2 activities by conducting assessments of marketing opportunities, applications, and technologies is among the mechanisms that the DoD Components may use to promote T2. That may involve contracts with for-profit or nonprofit organizations. It also may involve purchasing commercial products and services dealing with markets, applications, and technologies. Consideration shall be given to potential conflict-of-interest issues in making decisions on the use of consultants and contractors to perform assessments supporting T2.

6.14. Laboratories and/or technical activities may provide technical assistance services, including help by technical volunteers, to State and local governments, school systems, and nonprofit organizations. Those services may include problem analysis, assistance in the development and interpretation of technical information, hands-on technical help from laboratory volunteers, and limited projects in a laboratory where that does not compete with available services in the private sector. In making decisions on such technical assistance services, mission activities necessarily shall have first priority. It is applicable to consider U.S. and DoD policies that promote educational and technical activities. It is also applicable to give consideration to potential payoffs to the laboratory; e.g., the benefits for recruitment of technical staff that may be associated with providing technical assistance services to educational institutions.

6.15. The Heads of the DoD laboratories and/or technical activities (see enclosure 2, definition E2.1.3.) may loan, lease, or give research equipment that is excess to the needs of the laboratory to an educational institution or nonprofit organization for the conduct of technical and scientific education and research activities. Title of ownership shall transfer to the recipient when the excess research equipment is transferred as a gift. Research equipment provided to a recipient under 15 U.S.C. 3710(i) (reference (d)) is not subject to existing Federal property disposal regulations implementing separate authorities. Federal laboratories and/or technical activities that transfer their excess research equipment directly to the recipient shall report the transfer to the General Services Administration (GSA). That is clarification of 15 U.S.C. 3710(i) (reference (d)) and E.O. 12999 (reference (h)) to allow laboratories and/or technical activities, Agencies, or Departments to give, loan, or lease excess research equipment to public and private schools and nonprofit institutions without the administrative burden of existing Federal property disposal laws. That is an alternative and free-standing method of distribution of excess research equipment. Under this E.O. (reference (h)), Federal laboratories and/or technical activities may donate their excess research equipment directly to the recipient or report excess research equipment to the GSA for transfer under existing Federal property disposal laws.

6.16. One objective of DoD T2 is to improve the domestic U.S. economy and standard of living. That does not mean that T2 may be accomplished only by working with U.S.-owned and U.S.-based companies. There may be situations in which working with a foreign organization, individual, or government R&D facility is the best way to accomplish the T2 goal. The foreign individual, organization, or

government R&D facility may have the best technology for a given application, or a foreign company may provide for manufacture mostly in the United States.

6.16.1. It is DoD policy to allow foreign persons and organizations to be involved in DoD T2 transactions when it is in the judgment of the laboratory or other DoD Component personnel responsible for making such decisions, the best option for achieving their objectives, only if such foreign participation is consistent with U.S. and DoD policy. That is done without any intention of inhibiting such foreign participation; the goal, rather, is to ensure that actions are consistent with U.S. and DoD policy.

6.16.2. The Heads of the DoD Components shall consider the criteria in paragraph 6.16.3., below, when developing guidance for their laboratories and/or technical activities on U.S. and DoD policies impacting the participation of foreign individuals and organizations in T2 transactions. Such guidance shall be developed in forms that help decisionmaking in DoD laboratories and/or technical activities, which are not anticipated to have expertise in trade policy. That guidance shall encompass all of the types of T2 transactions and mechanisms addressed in this Instruction.

6.16.3. It is expected that criteria shall include special consideration such as the following:

6.16.3.1. Whether such foreign companies or governments shall permit and encourage U.S. Agencies, organizations, or persons to enter into cooperative R&D agreements and licensing arrangements on a comparable basis.

6.16.3.2. Whether those foreign governments shall have policies to protect U.S. intellectual property rights.

6.16.3.3. Where cooperative research shall involve data, technologies, or products subject to U.S. security export controls under the laws of the United States, whether those foreign governments have adopted adequate measures to prevent the transfer of strategic technology to destinations prohibited under such U.S. security export controls or by international agreements to which the United States and such foreign governments are signatories.

6.17. Guidance and factors to consider when using a CRADA:

6.17.1. CRADAs are agreements that allow one or more Federal laboratories and/or technical activities and one or more non-Federal parties to conduct specified

R&D efforts that are related to and consistent with the mission of the DoD laboratory. CRADAs are instruments that may be used in all aspects of a product and/or system life cycle where RDT&E activities occur.

6.17.2. CRADAs are not subject to terms for procurement contracts and other instruments that are defined by 31 U.S.C. 6303-6305 (reference (i)), but they are contracts in the sense that are legally enforceable documents. CRADAs shall not be viewed as an alternative to normal procurement procedures.

6.17.3. Special consideration shall be given to small businesses or consortia involving small businesses.

6.17.4. Preference shall be given to businesses located in the United States or those that agree that products embodying inventions made under the CRADA or produced through the use of such inventions shall be manufactured substantially in the United States (consistent with subsection 6.16., above).

6.17.5. CRADAs shall contain provisions for a variety of intellectual property issues including data rights, property ownership, and the allocation of rights to future inventions and/or intellectual property.

6.17.6. DoD laboratories and/or technical activities may protect from public access certain commercially valuable information resulting from work under a CRADA for a period of up to 5 years. Doing so provides the collaborating entity sufficient time to capitalize on the inventions and/or intellectual property created under the CRADA.

6.17.7. DoD laboratories and/or technical activities may commit resources such as personnel, services, facilities, equipment, intellectual property or other resources with or without reimbursement, but shall not provide funds to the non-Federal partner as part of the agreement. Non-Federal parties may commit funds to the Federal partner to the agreement.

6.17.8. DoD laboratories and/or technical activities receiving funds under a CRADA shall maintain separate and distinct accounts, records, and other evidence supporting expenditures under the CRADA.

6.17.9. When licensing intellectual property under a CRADA, the DoD laboratory and/or activity shall retain a nonexclusive, nontransferable, irrevocable, and paid-up license for use by the Government.

6.17.10. The private non-Federal partner shall be given the option to choose an exclusive license for a prenegotiated field of use for any invention made in whole or part by a laboratory employee.

6.17.11. CRADAs shall be accomplished without actual or apparent personal or organizational conflicts of interest or violations of ethics standards.

7. INFORMATION REQUIREMENTS

7.1. The Defense Technical Information Center (DTIC) shall, under the direction of the DDR&E, develop, maintain, and operate databases to collect, store, and disseminate information about DoD T2 program activities. Elements or segments of those databases shall be accessible to applicable levels of DoD and external users (non-DoD activities) in a manner consistent with the constraints of the data, as specified in DoD Directive 5535.3, the Secretary of Defense Memorandum, and 15 U.S.C. (references (a), (j), and (d)). The DTIC shall develop, maintain, and operate those computer databases in support of DoD T2 policies and concepts with the coordinated and approved requirements of the DoD Components to include the following:

7.1.1. Preparation; coordination with the DoD Components; and issuance of uniform procedures, codes, data elements, and formats for submitting records to, and obtaining records from, the computer databases. The data elements and codes shall comply with DoD 8320.1-M-1 (reference (k)) or be developed, in accordance with DoD Directive 8320.1 (reference (l)).

7.1.2. Providing and operating a system for database input, output, access, and retrieval.


7.1.3. Providing to each of the DoD Components and activity focal points, a quarterly report that summarizes quantity and quality of input from the activities of that DoD Component. A complete summary of those reports shall be provided to the ODDR&E (Technology Transfer Directorate).

7.1.4. Incorporation of applicable security requirements, in accordance with DoD 5200.28-M (reference (m)).

7.2. Other scientific and technical information needs may be addressed in DoD Directive 3200.12 and DoD Instruction 5230.27 (references (n) and (o)), and other policy issuances.

8. EFFECTIVE DATE

This Instruction is effective immediately.

A handwritten signature in black ink, appearing to read "Hans Mark", with a horizontal line extending to the right.

Director, Defense Research and Engineering

Enclosures - 3

- E1. References, continued
- E2. Definitions
- E3. Starting Point for Position Descriptions, Work Plans, and Performance Standards

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Office of Management and Budget, Circular No. A-11, "Preparation and Submission of Budget Estimates," June 23, 1997
- (f) DoD 1400.25-M, "DoD Civilian Personnel Manual System," December 1996, authorized by DoD Directive 1400.25, "DoD Civilian Personnel Management System," November 25, 1996
- (g) Sections 2105 and 4504 of title 5, United States Code
- (h) Executive Order 12999, "Educational Technology: Ensuring Opportunity for All Children in the Next Century," April 17, 1996
- (i) Sections 6303-6305 of title 31, United States Code
- (j) Secretary of Defense Memorandum, "DoD Domestic Technology Transfer/Dual Use Technology Development," June 2, 1995
- (k) DoD 8320.1-M-1, "Data Element Standardization Procedures," January 1993, authorized by DoD Directive 8320.1, September 26, 1991
- (l) DoD Directive 8320.1, "DoD Data Administration," September 26, 1991
- (m) DoD 5200.28-M, "ADP Security Manual," January 1973, authorized by DoD Directive 5200.28, March 21, 1988
- (n) DoD Directive 3200.12, "DoD Scientific and Technical Information Program," February 15, 1983
- (o) DoD Instruction 5230.27, "Presentation of DoD-Related Scientific and Technical Papers at Meetings," October 6, 1987

E2. ENCLOSURE 2

DEFINITIONS

E2.1.1. Cooperative Research and Development Agreement (CRADA). An agreement between one or more Federal laboratories and/or technical activities and one or more non-Federal parties. Under a CRADA, the Government laboratories and/or technical activities shall provide personnel, services, facilities, equipment or other resources with or without reimbursement (but not funds to the non-Federal parties). CRADAs are instruments that may be used in all aspects of a product and/or system life cycle where RDT&E activities occur. The non-Federal parties shall provide funds, personnel, services, facilities, equipment or other resources toward the conduct of specified R&D efforts that are consistent with the missions of the laboratory. The CRADA partners shall share in the intellectual property developed under the effort. The terms of a CRADA may not conform to a procurement contract or cooperative agreement as those terms are used in Sections 6303-6305 of 31 U.S.C. (reference (i)). Besides that definition, two types of CRADAs are, as follows:

E2.1.1.1. Technical Assistance CRADA. That allows a Federal laboratory and a non-Federal partner to work jointly to assist local businesses by providing limited (4-day maximum) free technical consulting. Preference is given to non-Federal partners that are State organizations, universities, non-profit entities, or business incubators that shall publicize availability of Federal assistance, receive and assess requests for cooperative research, ensure that the laboratory and/or technical activity shall not compete with private organizations, and coordinate work of the laboratory and/or technical activity with the requester companies. The laboratory and/or technical activity shall provide the required assistance and reports to the CRADA partner and the requester company. The requester company only shall provide a problem statement and sign a short 2-page "mini-CRADA" agreement, "subagreement," or "CRADA amendment."

E2.1.1.2. Military-Use CRADA. A CRADA between a DoD laboratory and/or technical activity and an industrial partner to utilize existing unique capabilities and facilities at the DoD laboratory in a product or process intended primarily for DoD or other military use. Each participant recognizes that it cannot support the research alone nor duplicate existing research or facilities. The technology is incorporated in new DoD systems or products as well as in other commercial opportunities. Specific concerns to be addressed in each military-use CRADA include the following:

E2.1.1.2.1. A CRADA may be the proper vehicle (work is not a contract).

E2.1.1.2.2. Government rights are maintained (not establishing a sole source).

E2.1.1.2.3. Equal opportunity shall be provided to other qualified companies

E2.1.1.2.4. The laboratory shall not compete with private sector.

E2.1.1.2.5. Preferably, the funds for the laboratory shall not go through industry.

E2.1.2. Federal Employee. That is defined in U.S.C. 2105 (reference (g)).

E2.1.3. Laboratory and/or Technical Activity. For the Instruction, that term is, as broadly defined, in 15 U.S.C. 3710a(d)(2)(A) (reference (d)), and shall include the following:

E2.1.3.1. "A facility or group of facilities owned, leased, or otherwise used by a Federal Agency, a substantial purpose of which is the performance of research, development, or engineering by employees of the Federal Government."

E2.1.3.2. Use of this broad definition, in subdefinition E2.1.3.1., above, is deliberate. That definition is not confined to those DoD Components that are formally titled "laboratories." The intent of that definition is to encompass the wide range of organizations and arrangements that function as laboratories and/or technical activities in DoD research, development, and engineering programs. It shall include laboratories and/or technical activities and reference more diverse arrangements that shall provide a virtual laboratory capability. For example, a DoD Component may have a virtual lab involving a management function accomplished in a Defense Agency activity, plus a dispersed set of research activities to be accomplished by a variety of organizations outside of the sponsoring and/or managing activity. Those capabilities are included in test, logistics, and product centers; depots; arsenals; program offices; and all DoD offices providing for RDT&E. That is consistent with 15 U.S.C. 3710a(d)(2)(A) (reference (d)), which uses such encompassing terms as "facility." That broad definition is in accordance with new DoD practices.

E2.1.3.3. While the definition cited in Subsection 3710a(d)(2)(A) of

reference (d) occurs in a Section of the U.S.C. dealing with CRADAs, the use of that broad definition in the Instruction (and DoD Directive 5535.3, reference (a)) shall not be limited to matters involving CRADAs. The broad definition applies to all citations of laboratories and/or technical activities in the Instruction and reference (a).

E2.1.4. Nonprofit Institution. That is an organization owned and operated exclusively for scientific or educational purposes, the net earnings of which shall not benefit any private shareholder or individual.

E2.1.5. Technical Assistance. Allows a Federal laboratory and a non-Federal partner to work jointly to assist local businesses by providing limited (up to 4-day maximum) free technical consulting. Preference shall be given to non-Federal partners that are State organizations, universities, or non-profit entities, including the FLC, which shall publicize availability of Federal assistance, ensure that the laboratory and/or technical activity shall not compete with private organizations, and coordinate the work of the laboratory and/or technical activity with the requester companies. The laboratory and/or technical activity shall provide the required assistance in the form of technical information, lessons, learned; problem solving, or further advice. At no time are technical assistance activities or technical assistance CRADAs to be used to accomplish R&D.

E2.1.6. Technology Transfer (T2). The intentional communication (sharing) of knowledge, expertise, facilities, equipment, and other resources for application to military and nonmilitary systems. Domestic T2 activities shall include the following:

E2.1.6.1. Spin-off activities that shall demonstrate DoD technology; e.g., commercial viability of technologies already developed or presently being developed for U.S. security purposes. The primary purpose of those activities, which encompass T2, shall be to promote and make available existing DoD-owned or -developed technologies and technical infrastructure to a broad spectrum of non-DoD applications.

E2.1.6.2. Dual-use science and technology and other activities that develop technologies that have both DoD and non-DoD applications.

E2.6.3 Spin-on promotion activities that shall demonstrate the U.S. security utility of technologies developed outside of the Department of Defense. That goal shall be to incorporate the innovative technology into military systems to meet mission needs at a lower acquisition cost by taking advantage of the economies of scale by purchasing from a larger industrial base.

E3. ENCLOSURE 3

STARTING POINTS FOR DEVELOPMENT OF POSITION DESCRIPTIONS, WORK PLANS, AND PERFORMANCE STANDARDS

E3.1. POSITION DESCRIPTION

E3.1.1 Duties and Responsibilities. Transfers, where applicable, Federally owned or originated technology and technical capabilities to State and local governments and to the private sector. Develops technologies having both DoD and non-DoD applications. Promotes the use of technologies developed outside the Department of Defense.

E3.2. WORK PLAN

E3.2.1. Performance Element (Critical) T2. Assesses the availability and applicability of technologies and technical capabilities of their projects and programs. Transfers those technologies and technical capabilities to State and local government and the private sector in compliance with public laws and applicable DoD Directives, Instructions, and Regulations, and Component directives, instructions, and regulations. Obtains assistance from the local ORTA. Works with the T2 partner after formal agreements are in effect (CRADAs, cooperative agreements, other transactions, and patent license agreements, etc.).

E3.2.2. Dual-Use Technology. That technology shall identify industrial technology requirements and shall take those requirements into consideration when developing in-house technology.

E3.2.3. Spin-on Technology. When seeking solutions to DoD requirements, shall consider technologies developed outside Department of Defense on an equal basis with those developed inside the Department of Defense.

E3.3. PERFORMANCE STANDARD

E3.3.1. T2. Performance is satisfactory when the incumbent shall demonstrate an active knowledge of the program requirements, take positive action to assess technologies and technical capabilities, and start actions to formally transfer those technologies and technical capabilities to State and local government and the private

sector. The incumbent shall maintain an active working relationship with the local ORTA in developing, negotiating, and getting approval for T2 instruments (CRADAs, cooperative agreements and other transactions, patent license agreements, etc.). It actively shall work with the T2 partners to satisfy effectively the Component obligations in the T2 instruments.

E3.3.2. Dual-Use Technology and Spin-on. Performance is satisfactory when the incumbent shall consider industrial requirements when developing in-house technologies and non-DoD technologies when seeking solutions to DoD requirements.

Tab 19

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To register for DTIC Services

The *Registration Guide to the Defense Technical Information Center (DTIC)* has been rewritten and is now located in an electronic format on DTIC's homepage. The route to the registration process is simple:

- Go to DTIC's homepage: <http://www.dtic.mil/>
- Click on the "**Registration**" tab
 - This will give you an overview of the registration program and who is eligible to register with DTIC
- Click on "**Registration Guide**" in the side bar
 - This will take you to the "**Registration Guide.**"
You can scroll down to find the information that pertains to you/your organization

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Tab 20

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NON-MEASUREMENT
SENSITIVE

MIL · STD · 1806

1 FEBRUARY 1990

MILITARY STANDARD

MARKING TECHNICAL
DATA PREPARED BY
OR FOR THE DEPARTMENT
OF DEFENSE



CANCELLED BY NOTICE 1 to DoD INDEX OF SPECIFICATIONS AND
STANDARDS, DATED 12 Jun 95; GUIDANCE DOCUMENT, AD-A283 939

AMSC NO. N/A

AREA MISC

DISTRIBUTION STATEMENT A. Approved for public release; distribution is unlimited.

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FOREWORD

Marking Technical Data Prepared by or for the Department of Defense

1. This military standard is approved for use by all Departments and Agencies of the Department of Defense.
2. Beneficial comments (recommendations, additions, deletions) and any pertinent data which may be of use in improving this document should be addressed to: HQ AFLC/MMDAS (STINFO), Wright-Patterson Air Force Base, Ohio 45433-5000, by using the self-addressed Standardization Document Improvement Proposal (DD Form 1426) appearing at the end of this document or by letter.

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1. SCOPE

1.1 Purpose. This standard provides procedures for marking scientific, technical, engineering, production, and logistics technical data, to denote the extent to which they are available for secondary distribution. It provides a system to facilitate the sharing of technical data within the government, and with the defense industrial community by authorizing dissemination of technical data by organizations other than the DoD controlling office.

1.2 Scope. All DoD components responsible for technical data shall determine the distribution availability and arrange to mark them appropriately before primary distribution. Distribution statements and export-control statements, supplemental to any security markings, shall be marked on all data to denote the intended audience to authorize secondary distribution without additional specific approval of the controlling office. This standard establishes the procedures for marking technical data.

1.2.1 Applicability. This standard applies to all technical data generated by or for the Department of Defense. This standard usually does not apply to financial and management data unless such data contains critical technology information.

2. APPLICABLE DOCUMENTS

2.1 Government documents.

2.1.1 Standards.

STANDARDS

MILITARY

- | | |
|-------------|--|
| MIL-STD-100 | - Engineering Drawing Practices |
| MIL-STD-961 | - Military Specifications and Associated Documents, Preparation of |
| MIL-STD-962 | - Military Standards, Handbooks, and Bulletins, Preparation of |

2.1.2 Other Government documents.

- | | |
|-------------------------|--|
| DOD Directive 5230.24 | - Distribution Statements on Technical Documents. |
| DOD Directive 5230.25 | - Withholding of Unclassified Technical Data from Public Disclosure. |
| DOD Regulation 5200.1-R | - Information Security Program Regulation. |

Copies of federal and military specifications, standards, and handbooks are available from the Naval Publications and Forms Center, (ATTN: NPODS), 5801 Tabor Avenue, Philadelphia PA 19120-5099.)

Contractors should contact the contracting officer for these documents.

2.2 Non-government publications.

AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)

ANSI PH5.9, Specification for
Microfiche Input

(Application for copies should be addressed to the American National Standards Institute, 1430 Broadway, New York, NY 10018.)

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3. DEFINITIONS

3.1 Acronyms used in this Standard. The acronyms used in this standard are defined as follows:

- a. AECA - Arms Export-Control Act
- b. CCL - Commodity Control List
- c. DoD - Department of Defense
- d. EAA - Export Administration Act
- e. EAR - Export Administration Regulations
- f. ECCN - Export Commodity Control Number
- g. EO - Executive Order
- h. FOIA - Freedom of Information Act
- i. IEP - International Exchange Program
- j. ITAR - International Traffic in Arms Regulations
- k. MCTL - Military Critical Technology List
- l. ML - Munitions List
- m. STINFO - Scientific and Technical Information

3.2 Arms Export-Control Act (AECA). The law set out in 22 U.S.C. 2751-2794. This requires obtaining an approval from the Department of State for exporting defense articles and services, including technical data related to munitions and military equipment. It is implemented by the International Traffic in Arms Regulations (ITAR) set out in 22 CFR 121-130.

3.3 Commodity Control List (CCL). The list of items in the Export Administration Regulations at 15 CFR 399. Licenses from the Department of Commerce are required to export such items and the technical data relating to them.

3.4 Computer Software. Computer programs and computer data bases.

3.5 Controlling DoD Office. The DoD activity sponsoring the work that generates technical data, or receives technical data on behalf of the DoD and therefore has the responsibility for determining the distribution of a document containing such technical data.

3.6 Critical Technology. Technologies that consist of (a) arrays of design and manufacturing know-how (including technical data); (b) keystone manufacturing, inspection, and test equipment; (c) keystone materials; (d) goods accompanied by sophisticated operation, application, or maintenance know-how that would make a significant contribution to the military potential of any country or combination of countries and that may prove detrimental to the security of the US. Also referred to as militarily critical technology.

3.7 Distribution Statement. A statement used in marking a technical document to denote the extent of its availability for distribution, release, and disclosure without need for additional approvals and authorizations from the controlling DoD office.

3.8 Export Administration Act (EAA). Any of the laws which have been codified at 50 U.S.C. Appendix 2401-2420. These laws were the original basis for the Export Administration Regulations (EAR) (15 CFR 368-399) which require obtaining a license from the Department of Commerce for exporting certain items and related technical data.

3.9 Export Control Laws. Any law which regulates exports from the US, or requires obtaining a license to make such exports.

3.10 General License. An unrestricted license or exemption authorized in export-control regulations to export particular technical data, or other items, without obtaining a specific written authority from the Government.

3.11 International Traffic in Arms Regulations (ITAR). The regulations issued by the Department of State under the AECA and printed at 22 CFR 121-130.

3.12 Limited Rights. Rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party asserting limited rights, be: released or disclosed outside the Government; used by the Government for manufacture, or in the case of computer software documentation, for preparing the same or similar computer software; or used by a party other than the Government, except that the Government may release or disclose technical data to persons outside the Government, or permit the use of technical data by such persons.

3.13 Munitions List (ML). The list contained in the ITAR at 22 CFR 121.01.

3.14 Militarily Critical Technology List (MCTL). The list issued by DOD under the authority of the EAA of 1979. The MCTL identifies technologies which, if exported, would permit a significant advance in a military system of another country.

3.15 Primary Distribution. The distribution of scientific or technical data to recipients as determined by the controlling DoD office.

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3.16 Public Disclosure. Making technical data available outside the US Government without restricting its dissemination or use.

3.17 Scientific and Technical Information (STINFO). Information relating to research, development, engineering, testing, evaluation, production, operation, use, and maintenance for military products, services, and equipment for military systems. This includes all production, engineering, and logistics information.

3.18 Secondary Distribution. Distribution of or access to a document, usually based on a request to a document repository or information center, performed by other than the controlling office.

3.19 Technical Data. Recorded information, regardless of the form or method of the recording, of a scientific or technical nature. The term includes computer software or data incidental to contractual administration, and usually does not include financial and/or management information.

3.20 US DoD Contractor. Those US contractors currently holding grants or contracts with the Department of Defense, or those contractors declared eligible for DOD information services by a sponsoring DOD activity on the basis of participation in a DOD Potential Contractor Program.

3.21 Unlimited Rights. Rights to use, duplicate, release, or disclose, technical data or computer software in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

4. GENERAL REQUIREMENTS

4.1 Purpose of distribution statements. A distribution statement is required on all technical data. The distribution statements defined in Chapter 5 are used to mark technical data to denote the extent of its availability for distribution. These distribution statements are distinct from security classification markings, and shall be used on classified and unclassified data to restrict dissemination beyond the limits provided by applying security clearance and need-to-know controls, and to control dissemination of the data following declassification.

4.2 Purpose of export control warning statement. An export-control marking identifies technical documents that contain technical data subject to withholding from public release under DoD Directive 5230.25. All technical data subject to export-control laws must be marked with the export-control warning statement (see Appendix A), and an appropriate distribution statement. (See 4.1)

4.3 Release of technical data. Distribution of the technical data shall be in compliance with the affixed marking(s) unless specific approval from the DoD controlling office is granted for the release. Unmarked technical data which is requested shall be reviewed and marked appropriately prior to release. (See 4.4.1.1)

4.4 Marking technical data.

a. All new or requested unmarked production, engineering, logistics, and scientific and technical information, regardless of its medium, physical form, or characteristics, including preliminary drafts and working papers, shall be marked with a distribution statement. This includes technical reports, blueprints, drawings, technical orders, technical manuals, plans, instructions, computer software, viewgraphs, film, technical papers, photographs, etc. If the document contains export-controlled technical data, it also must be marked with an export control warning statement.

b. Technical data categorized as cryptographic/communications security, communications/electronic intelligence, and similar categories as may be designated by the Director, National Security Agency, whose distribution is limited through alternate methods, are exempt from these marking provisions.

c. Distribution statements should be selected to denote the audience for which the data is intended. The statement selected shall not restrict the data any further than is actually required to protect the interests of the Government. See Table 1.

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d. All technical data, classified and unclassified/limited, must be marked with an export-control notice if they contain export-controlled data. Determining whether or not technical data is export-controlled is an integral part of the document-marking process, and generally should be accomplished before selecting a distribution statement. Only distribution statements B through F and X are permitted on export-controlled documents.

e. For technical data prepared in alternate media format and not having a cover or title page (such as forms and charts), the applicable distribution statement and export-control warning statement shall be stamped, printed, written, or affixed by other means in a fully visible position (see subparagraphs 5.3.2 through 5.3.6).

f. Export-controlled documents will be marked. Material should be accompanied by Notice to Accompany the Dissemination of Export-Controlled Technical Data (Appendix). Use the second Appendix in this Standard to determine whether technical data is export-controlled.

4.4.1 Responsibility for marking data. The controlling DoD office generating the technical data, or responsible for the generation of the data is responsible for determining the appropriate distribution statement and ensuring that the data is appropriately marked. Export-control warning statements will be marked when determined necessary.

4.4.1.1 Marking existing technical data. If a document is requested and it does not have distribution statements or export control warnings, that data must be reviewed and marked appropriately. Data created prior to 20 November 1984 that is never requested or called out of storage need not be marked.

4.4.2 Revised and updated technical data. Each revision shall be considered a new document to be reviewed and marked appropriately. Whether or not previous versions of technical data have been publicly released shall not be the determining factor in the dissemination determination.

4.4.3 Changes to distribution markings. Distribution statements shall remain in effect until changed or removed by the controlling DoD office.

5. DETAILED REQUIREMENTS

5.1 Distribution statements. There are seven different distribution statements provided in DoD Directive 5230.24 that may be used to control dissemination of DoD technical documents, ranging from complete public release to only specific release on a case-by-case basis by the controlling DoD office. Certain types of technical data preclude placing the entire notice on the document. To accommodate this problem, each distribution statement contains an authorized abbreviated form. Abbreviated distribution statements are to be used only when space precludes placing the entire notice on the document. The use and wording of these statements are described in the following paragraphs.

5.1.1 Use of Distribution Statement A. Distribution Statement A shall be used only on unclassified technical documents that do not contain export-controlled data, and have been approved for public release after a security and policy review determination by authorized public release authority.

5.1.1.1 Wording of Statement A. Distribution Statement A shall be worded:

Distribution Statement A. Approved for public release; distribution is unlimited.

The abbreviated form is "Statement A, unlimited."

5.1.2 Use of Distribution Statement B. Distribution Statement B shall be used to authorize release of a document to US Government agencies.

5.1.2.1 Wording of Statement B. Distribution Statement B shall be worded:

Distribution Statement B. Distribution authorized to US Government agencies only; (fill in reason); (date of determination). Other requests for this document shall be referred to (insert name of controlling DoD office).

The abbreviated form is "Statement B, US Government, (controlling DoD office)."

5.1.2.2 Reasons for selecting Distribution Statement B.

a. Foreign Government Information - limits distribution according to the desires of the foreign government that furnished the technical information.

b. Proprietary Information - protects information not owned by the US Government and protected by a contractor's "limited rights" statement, or received with the understanding that it not be routinely transmitted outside the US Government.

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c. Test and Evaluation - protects results of test and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.

d. Contractor Performance Evaluation - protects information in management reviews, records of contract performance evaluation, or other advisory documents evaluating programs of contractors.

e. Critical Technology - protects information and technical data the advanced current technology or describe new technology in an area of significant, or potentially significant military application, or that relate to a specific military deficiency of a potential adversary.

f. Premature Dissemination - protects information on systems or hardware in the developmental or conceptual stage to prevent premature disclosure that might jeopardize the inventor's right to obtain a patent.

g. Software Documentation - protects software documentation and data releasable only under specific regulations.

h. Administrative or Operational Use - protects technical or operational data or information from automatic dissemination under the International Exchange Program (IEP) or by other means. This protection covers publications required solely for official use or strictly for administrative or operational purposes.

i. Specific Authority - protects information not specifically included in the above reasons, but which requires protection according to valid documented authority such as Executive Orders (EOs), classification guidelines, or regulatory documents.

5.1.3 Use of Distribution Statement C. Distribution Statement C shall be used to authorize distribution to US Government agencies and their authorized contractors.

5.1.3.1 Wording of Distribution Statement C. Distribution Statement C shall be worded:

Distribution Statement C. Distribution authorized to US Government agencies and their contractors; (fill in reason); (date of determination). Other requests for this document shall be referred to (insert name of controlling DoD office).

The abbreviated form is "Statement C, Gov't and contractors, (controlling DoD office)."

5.1.3.2 Reasons for assigning Distribution Statement C.

a. Foreign Government Information - limits distribution according to the desires of the foreign government that furnished the technical information.

b. Software Documentation - protects software documentation and data releasable only under specific regulations.

c. Critical Technology - protects information and technical data that advance current technology or describe new technology in an area of significant, or potentially significant military application, or that relate to a specific military deficiency of a potential adversary.

d. Administrative or Operational Use - protects technical data or information from automatic dissemination under the International Exchange Program (IEP) or by other means. This protection covers information required solely for administrative or operational purposes.

e. Specific Authority - protects information not specifically included in the above reasons, but that requires protection according to valid documented authority such as EOs, classification guidelines, or regulatory directives.

5.1.4 Use of Distribution Statement D. Distribution Statement D shall be used to authorize distribution of technical documents to DoD components and their contractors.

5.1.4.1 Wording of Distribution Statement D. Distribution Statement D shall be worded:

Distribution Statement D. Distribution authorized to the DoD and U.S. DoD contractors only; (fill in reason); (date of determination). Other requests shall be referred to (insert name of controlling DoD office).

The abbreviated form is "Statement D, DoD & U.S. DoD Contractors, (controlling DoD office)."

Statement D documents are provided to foreign contractors to DoD through the technical office sponsoring the contract.

5.1.4.2 Reasons for selecting Distribution Statement D.

a. Foreign Government Information - limits distribution according to the desires of the foreign government that furnished the technical information.

b. Software Documentation - Protects software documentation and data releasable only under specific regulations.

c. Critical Technology - protects information and technical data that advance current technology or describe new technology in an area of significant, or potentially significant military application, or that relate to a specific military deficiency of a potential adversary.

d. Administrative or Operational Use - protects technical or operational data or information from automatic dissemination under the IEP or by other means. This protection covers information required solely for administrative or operational purposes.

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e. Specific Authority - protects information not specifically included in the above reasons, but which requires protection according to valid documented authority such as EO's, classification guidelines, or regulatory directives.

5.1.5 Use of Distribution Statement E. Distribution Statement E shall be used to authorize distribution of technical documents to DoD components only.

5.1.5.1 Wording of Distribution Statement E. Distribution Statement E shall be worded:

Distribution Statement E. Distribution authorized to DoD Components only; (fill in reason); (date of determination). Other requests for this document shall be referred to (insert name of controlling DoD office).

The abbreviated form is "Statement E, DOD Only, (controlling DoD office)."

5.1.5.2 Reasons for selecting Distribution Statement E.

a. Direct Military Support - The document contains export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage for the United States. Designation of such data is made by competent authority in accordance with DoD Directive 5230.25.

b. Premature Dissemination - protects information in the developmental or conceptual stage to prevent premature disclosure that might jeopardize the inventor's right to obtain a patent.

c. Critical Technology - protects information and technical data that advance current technology, or describe new technology in an area of significant, or potentially significant, military application or that relate to a specific military deficiency of a potential adversary.

d. Foreign Government Information - limits distribution according to the desires of a foreign government that furnished the information.

e. Proprietary Information - protects information not owned by the US Government and protected by a contractor's "limited rights" statement, or received with the understanding that it not be routinely transmitted outside the DOD.

f. Test and Evaluation - protects results of test and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.

g. Contractor Performance Evaluation - protects information in management reviews, records of contract performance evaluation, or other advisory documents evaluating programs of contractors.

h. Software Documentation - protects software documentation and data releasable only under specific regulations.

i. Specific Authority - protects information not specifically included in the above reasons, but which requires protection according to valid documented authority such as EOs, classification guidelines, or regulatory directives.

j. Administrative or Operational Use - protects technical or operational data or information from automatic dissemination under the IEP or by other means. This protection covers information required solely for administrative or operational purposes.

5.1.6 Use of Distribution Statement F. Distribution Statement F shall be used to signify that all distribution of a technical document is to be determined by the controlling DOD office.

5.1.6.1 Wording of Distribution Statement F. Distribution Statement F shall be worded:

Distribution Statement F. Further distribution only as directed by (insert name of controlling DoD office) or higher DoD authority; (date of determination).

The abbreviated form is "Statement F, Request approval of (controlling DoD office)."

5.1.6.2 Reasons for selecting Distribution Statement F.

a. Direct Military Support - The document contains export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage for the United States. Designation of such data is made by competent authority in accordance with DoD Directive 5230.24 (reference (c)).

b. Special Dissemination and Reproduction - protects information subject to special dissemination limitation specified by paragraph 4-505, DoD Regulation 5200.1-R.

5.1.7 Use of Distribution Statement X. Distribution Statement X shall be placed on technical data that are subject to export controls, and which is intended for audiences broader than provided in Distribution Statements B, C, D, E, or F.

5.1.7.1 Wording of Distribution Statement X. Distribution Statement X shall be worded:

Distribution Statement X. Distribution authorized to US Government agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with controlling DoD office is (DODD 5230.25 or implementing service regulations); (date of determination).

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The abbreviated form is "Statement X, Certified Contractors, (controlling DoD office)."

5.2 Export control warning notice. Technical data that are export-controlled must be marked with an export control warning notice. This statement identifies technical data which the DoD will withhold from public release using authority in 10 U.S.C. 130. It may be used in conjunction with any distribution statement except Statement A.

5.2.1 Wording of the export control warning notice. The export control warning notice shall be worded "WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C. SEC 2751, et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App 2401 et seq. Violations of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25." When it is technically infeasible to use the entire statement, an abbreviated marking may be used, and a copy of the full statement added to the "Notice to Accompany Release of Export Controlled Data" required by DoD Directive 5230.25 (reference (c)). The abbreviated form is "Warning: Export-Controlled."

5.3 Location of Distribution Statements. The distribution statement shall be marked in a conspicuous location on the cover, title page, or for those documents not having a cover or title page, on the front page. Military specifications, standards and handbooks shall be marked as specified in MIL-STD-961, MIL-STD-962. Markings on special categories of material shall be in accordance with paragraphs 5.3.2 through 5.3.7.

5.3.1 General Provisions. Distribution statements and export control warning notices shall be legibly stamped, printed, written, painted, or affixed by means of a tag, sticker, decal, or similar device, on material other than paper copies of documents, and on containers of such material. The following procedures for marking various kinds of material are not all inclusive and may be varied to accommodate the physical characteristics of the material and to accommodate organizational and operational requirements. Variations, if used, should plainly indicate the intended audience, the DoD controlling office, and, when appropriate, the fact that the data is export-controlled.

5.3.2 Marking Charts, Maps, and Drawings. Charts, maps, and drawings shall bear the appropriate marking(s) at the bottom of each document or set of documents. When folding or rolling charts, maps, or drawings would cover the markings, additional markings shall be applied that are clearly visible when the document is folded or rolled. Markings on Engineering Drawings shall be on all single sheet drawings and associated lists and sheet one of such multi-sheet documents, per Military Standard: Engineering Drawing Practices MIL-STD-100. Export limitations, method of application, size and color of lettering, and location on drawings are also addressed in MIL-STD-100. Figure 1 illustrates how to mark a chart, map, or drawing. Figure 2 illustrates how to mark the outside of a folded or rolled chart or map.

5.3.3 Marking Photographs, Films, and Recordings. Photographs, films, (including negatives), recordings, and their containers shall be marked to assure that a recipient or viewer will know that dissemination was directed to a specific audience and whether it contains export-controlled data. Figure 3 illustrates how to mark (at the beginning and end) roll negatives or positive and their containers.

5.3.3.1 Marking Photographs. Negatives and positives shall be marked, whenever practicable. Roll negatives or positives may be so marked at the beginning and end of each strip. Negatives and positives shall be kept in containers bearing conspicuous markings. All prints and reproductions shall be conspicuously marked on the face side of the print if possible. When such markings cannot be applied to the face side, they may be stamped on the reverse side or affixed by pressure tape label, stapled strip, or other comparable means. Figure 4 illustrates how to mark prints and reproductions of photographs.

5.3.3.2 Marking Transparencies and Slides. A cover slide with the export-control warning notice and distribution statement shall be the first slide. In the case of a 35mm or a similar size transparency or slide where the markings are not conspicuous unless projected on a screen, for example, the markings also shall be marked on its border, holder, or frame. Duplicate markings in image areas and on borders, holders, or frames are required if there is any doubt that the image area markings are not conspicuous enough to be seen when the transparencies or slides are not being projected. Mark any transparency or slide permanently removed from the set as a separate document. Figure 5 illustrates how to mark a transparency or slide, including any transparency or slide permanently removed from a set. In the case of sets, the border, holder, or frame is also marked with the distribution authorized for the set as a whole. The highest distribution statement used on any constituent part of the set that identifies the narrowest intend will be marked on the cover of the set.

5.3.3.3 Marking Motion Picture Films and Video Tapes. Motion picture films and video tapes shall be marked at the beginning and end by titles bearing the appropriate markings. All such markings shall be visible when projected. Reels and cassettes shall be marked with the appropriate marking and kept in containers bearing appropriate markings. Figure 6 illustrates how to mark (at the beginning and end) a motion picture film. The container for a motion picture film also shows distribution and export control warning statements.

5.3.3.4 Marking Recordings. Sound, magnetic, electronic or other forms of recordings of technical data, hereafter referred to as recordings, shall contain at the beginning and end a clear statement of the assigned marking that will provide adequate assurance that any listener or viewer will know that dissemination was directed to a specific audience and that the data is export-controlled. Recordings shall be kept in containers or on reels that bear conspicuous applicable markings. Figure 7 illustrates how to mark recordings so that any listener/viewer will know the authorized distribution. The container for a recording should also show appropriate markings.

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5.3.3.5 Marking Microforms. Microforms are images, usually produced photographically in sizes too small to be read by the unaided eye. Location of markings on microforms shall be in accordance with ANSI PH5.9. These markings shall also be included on the image so that when the image is enlarged and displayed or printed, the markings will be conspicuous and readable. Such marking will be accomplished as appropriate for the particular microform involved. For example, roll film microforms (or roll microfilm employing 16, 35, 70, or 105mm films) may generally be marked as provided for roll motion picture film in paragraph 5.3.3.3 and decks of "aperture cards" may be marked as provided in paragraph 5.3.4 for decks of automatic data processing punched cards. Whenever possible, microfiche, microfilm strips, and microform chips shall be marked in accordance with this paragraph. Figure 8 illustrates how to mark a microfiche medium, and its container, so it can be read by the unaided eye. Figure 9 illustrates how to mark the image of a microfiche so that when it is enlarged, displayed, or printed, these markings will be readable.

5.3.4 Marking Decks of ADP Punched Cards. When a deck of unclassified ADP punched cards is handled and controlled as a single document, only the first require markings. An additional card shall be added (or the job control card modified) to identify the contents of the deck and the markings therein. Figure 10 illustrates how to mark a deck of ADP punched cards that are handled and controlled as a single document.

5.3.5 Marking removable ADP and word processing storage media.

a. External. Removable information storage media and devices, used with ADP systems and typewriters or word processing systems, shall bear markings whenever such media are to be disseminated outside the DoD controlling office. Examples include magnetic tape reels, cartridges, and cassettes; removable discs, disc cartridges, disc packs and diskettes; paper tape reels; and magnetic cards. Figure 11 illustrates how to mark a word processing information storage medium. Examples of other types of removable storage media are magnetic drums, disc packs, and magnetic cards.

b. Internal. ADP systems or word processing systems employing such media shall provide for internal markings to assure that information contained therein that is reproduced or generated will bear applicable markings.

5.3.6 Marking documents produced by ADP equipment. The first page of documents produced by ADP equipment shall be marked. If individual pages of a document produced by ADP equipment are removed or reproduced for distribution to other uses, they shall be treated as a new document and marked with appropriate distribution statements and export-control warning notice. Figure 12 shows how the user of the ADP output would apply a distribution marking on the first page of an affected document.

5.3.6.1 Marking Computer Printouts Produced by ADP Equipment. If computer documents have either front or back covers, the cover and first page shall be marked.

5.3.7 Marking miscellaneous material. Documents and material such as rejected copy, typewriter ribbons, carbons, and similar items developed in connection with the handling, processing, production, and use of technical data intended for targeted audiences shall be handled in a manner consistent with this intent. Unless a requirement exists to retain this material or documents for a specific purpose, there is no need to mark or stamp the information. If such material is requested for distribution outside the originating organization, it shall be marked and handled the same as the final version.

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6. NOTES

(This section contains information of a general or explanatory nature which may be helpful, but is not mandatory.)

6.1 Intended Use. This standard contains requirements for the marking of technical data prepared by or for the DoD. The purpose of this standard is to facilitate sharing of technical data within the defense community by standardizing the procedure for marking scientific, technical, engineering, production, and logistics information to denote distribution availability, release and dissemination. Statements must be placed on paper documents, charts, maps, drawings, photographs, films (including negatives), recordings, transparencies, slides, motion picture films, recordings, microforms, ADP punch cards, removable ADP and word processing storage media, computer printouts and miscellaneous material.

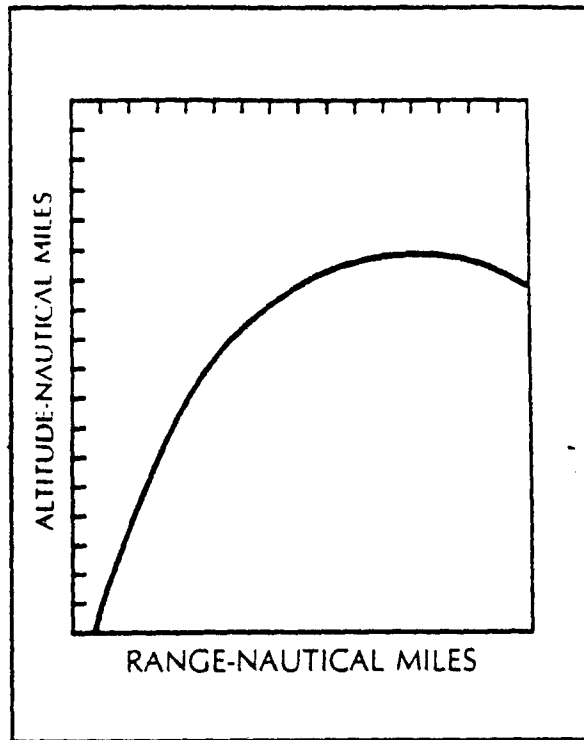
6.2 Tailoring guidance for contractual application. To ensure proper application of this standard, all technical data addressed shall have markings tailored to the requirements in sections 4 and 5 and Appendix A of this standard to exclude any unnecessary task requirements.

6.3 Subject terms (key word) listing.

- Arms Export Control Act
- Blueprints
- Charts
- Critical Technology
- Dissemination
- Distribution Statements
- Drawings, Engineering
- Export Control
- Limitations
- Maps
- Microforms
- Military Standard
- Photographs
- Public Release
- Publication, Technical
- Restricted Rights
- Scientific and Technical Information
- Secondary Distribution
- Technical Data
- Technical Reports

REASONS FOR DESIGNATING A SPECIFIC AUDIENCE	DISTRIBUTION STATEMENTS APPROPRIATE FOR USE						
	A	B	C	D	E	F	X
APPROVED FOR PUBLIC RELEASE	YES	NO	NO	NO	NO	NO	NO
FOREIGN GOVERNMENT INFORMATION	NO	YES	YES	YES	YES	YES	NO
PROPRIETARY INFORMATION	NO	YES	NO	NO	YES	YES	NO
TEST AND EVALUATION	NO	YES	NO	NO	YES	YES	NO
CONTRACTOR PERFORMANCE EVALUATION	NO	YES	NO	NO	YES	YES	NO
CRITICAL TECHNOLOGY	NO	YES	YES	YES	YES	YES	YES
PREMATURE DISSEMINATION	NO	YES	NO	NO	YES	YES	NO
SOFTWARE DOCUMENTATION	NO	YES	YES	YES	YES	YES	NO
ADMINISTRATIVE OR OPERATIONAL USE	NO	YES	YES	YES	YES	YES	YES
SPECIFIC AUTHORITY	NO	YES	YES	YES	YES	YES	YES
DIRECT MILITARY SUPPORT	NO	NO	NO	NO	YES	YES	NO

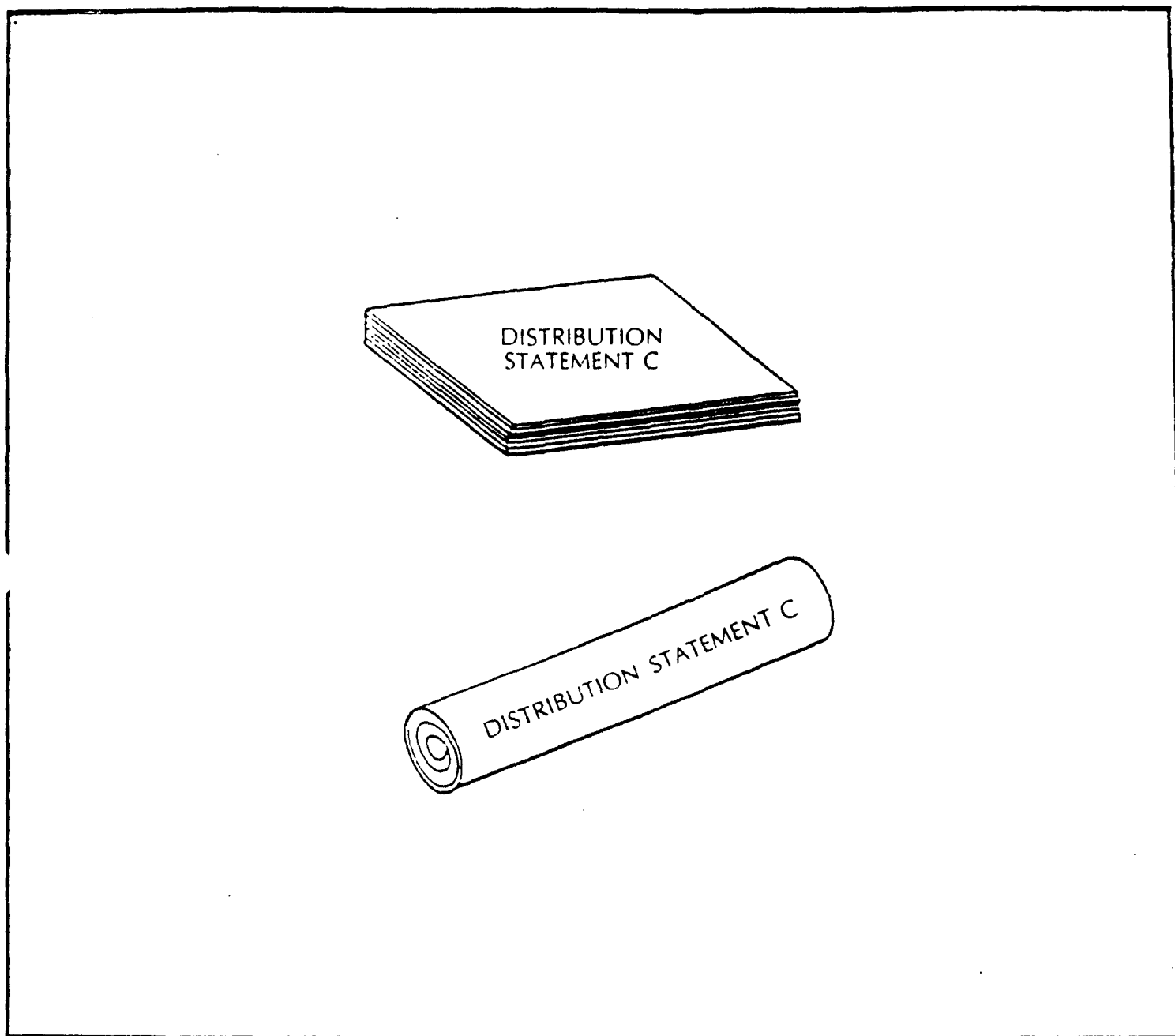
TABLE I. Synopsis of reasons for assigning proper distribution statements



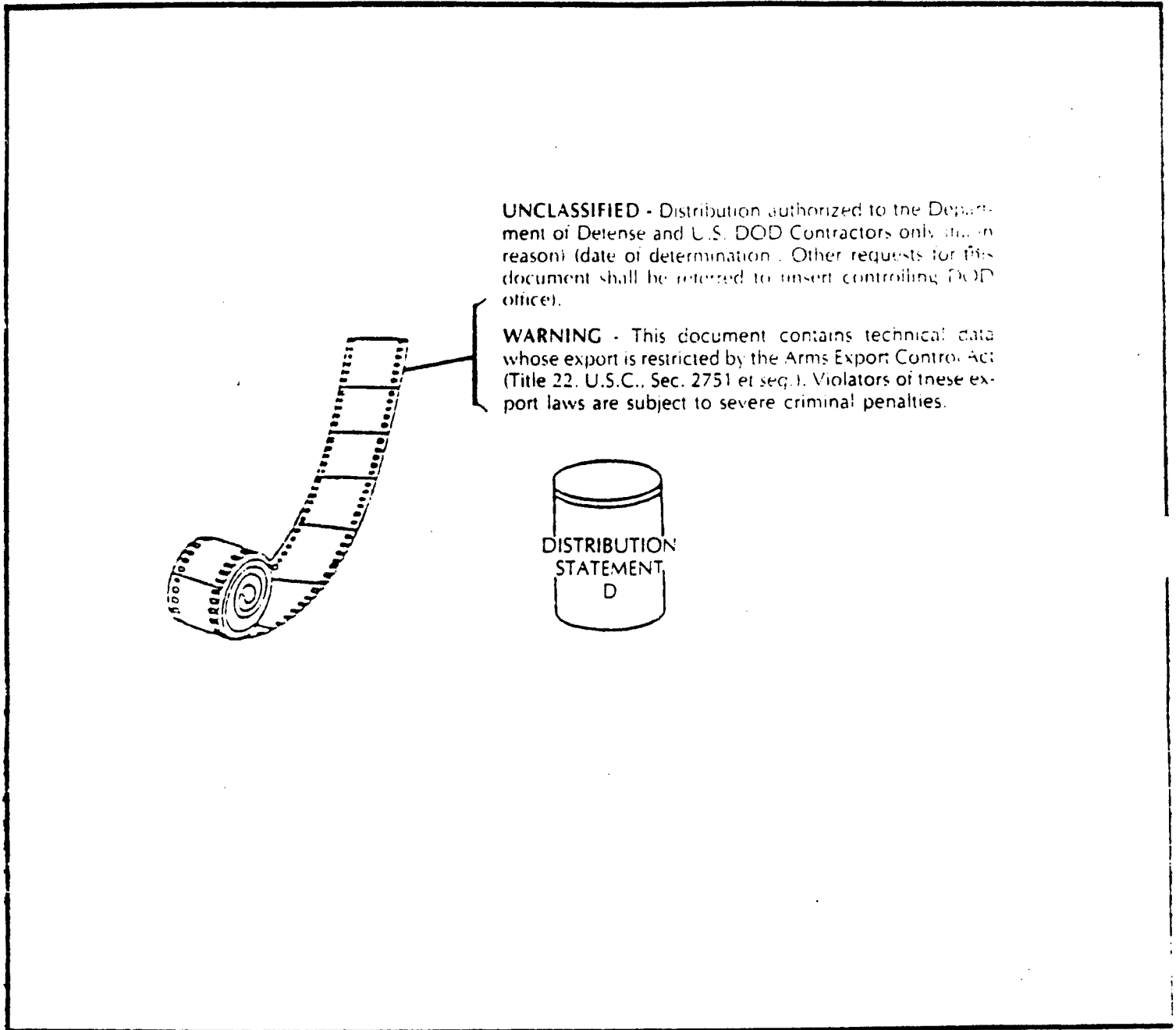
UNCLASSIFIED - Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

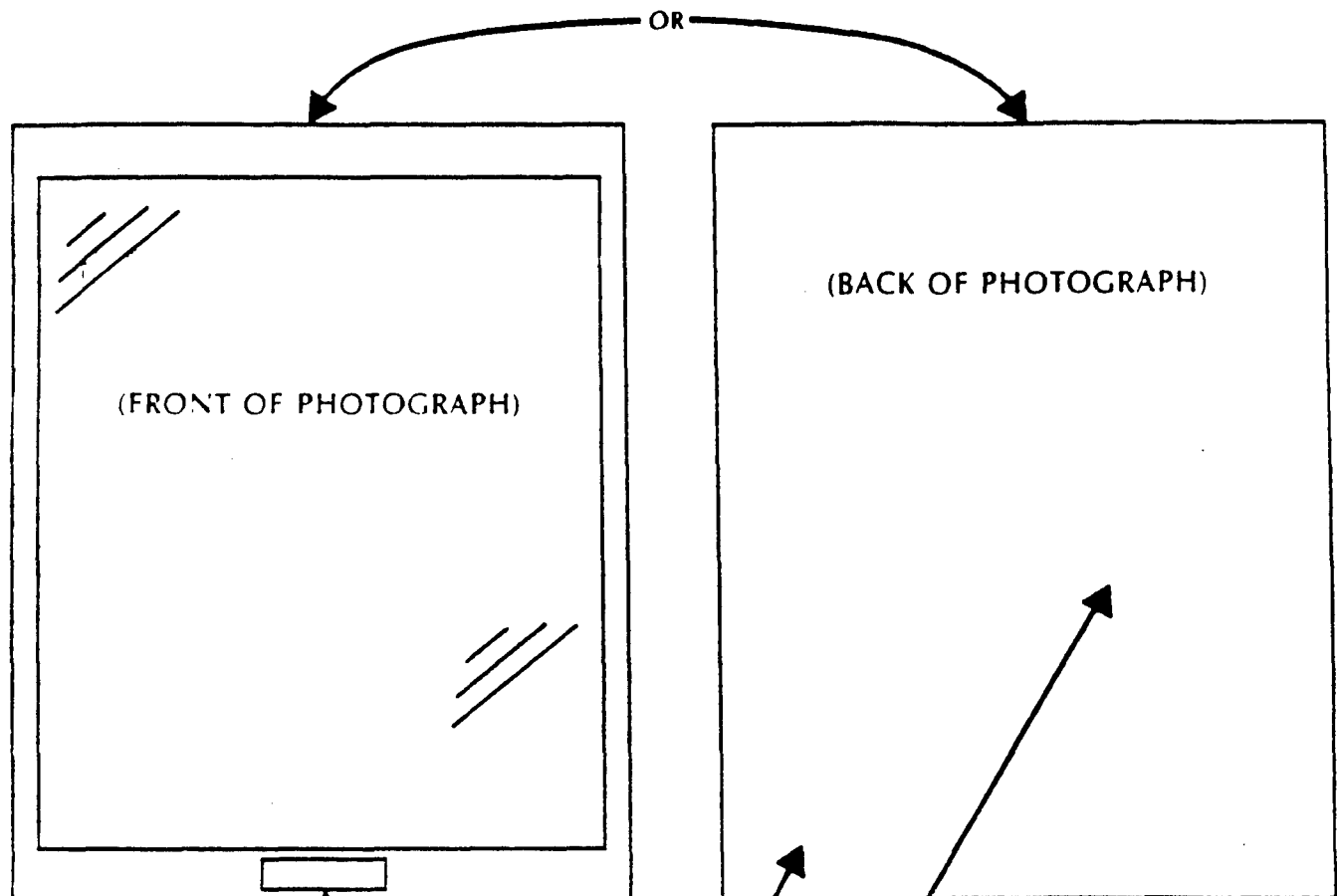
This example uses Distribution Statement B.
FIGURE 1. Marking charts, maps or drawings.



This example uses Distribution Statement C.
FIGURE 2. Marking folded or rolled charts, maps, or drawings.



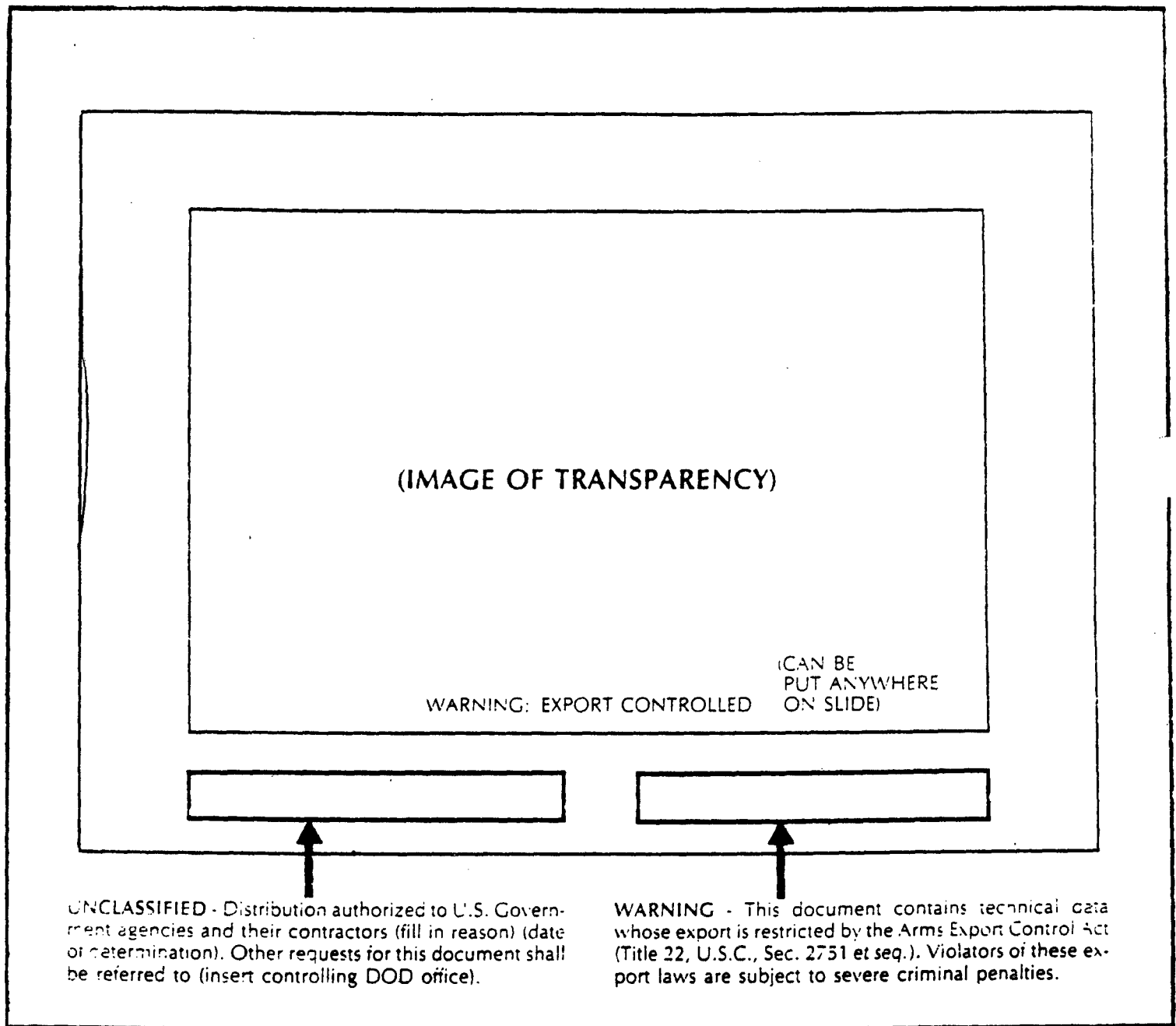
This example uses Distribution Statement D.
FIGURE 3. Marking film roll and its container.



UNCLASSIFIED - Distribution authorized to the Department of Defense and U.S. DOD contractors only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).

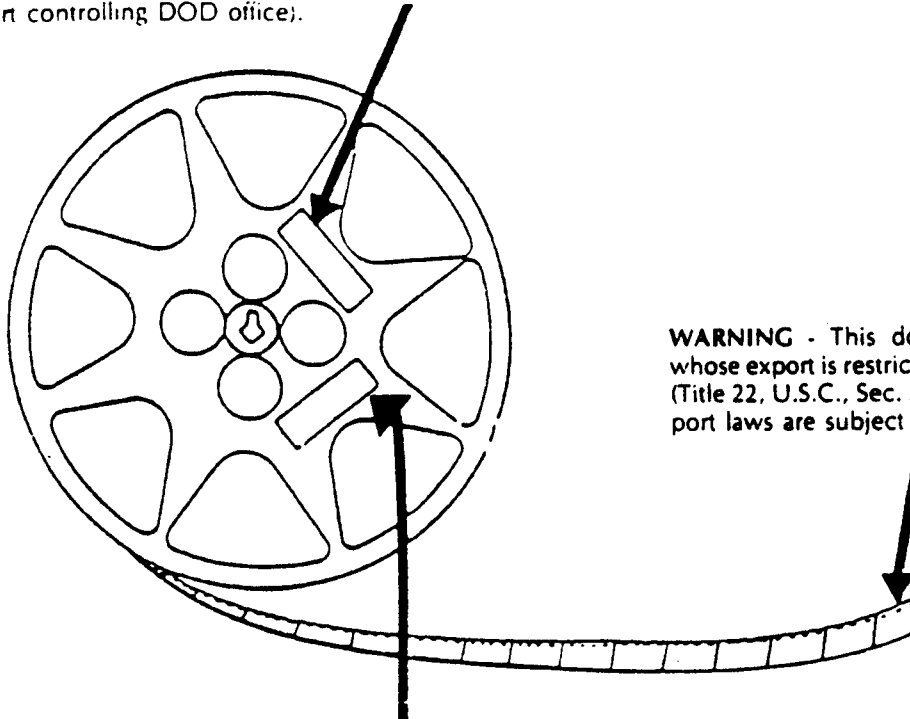
WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

This example uses Distribution Statement D.
FIGURE 4. Marking a photograph.



This example uses Distribution Statement C.
FIGURE 5. Marking a transparency or slide.

UNCLASSIFIED - Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).

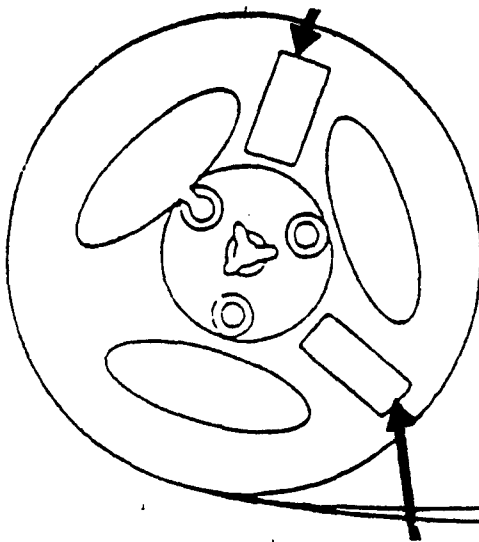


WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.) or Executive Order 12470. Violators of these export laws are subject to severe criminal penalties.

This example uses Distribution Statement B.
FIGURE 6. Marking motion picture film.

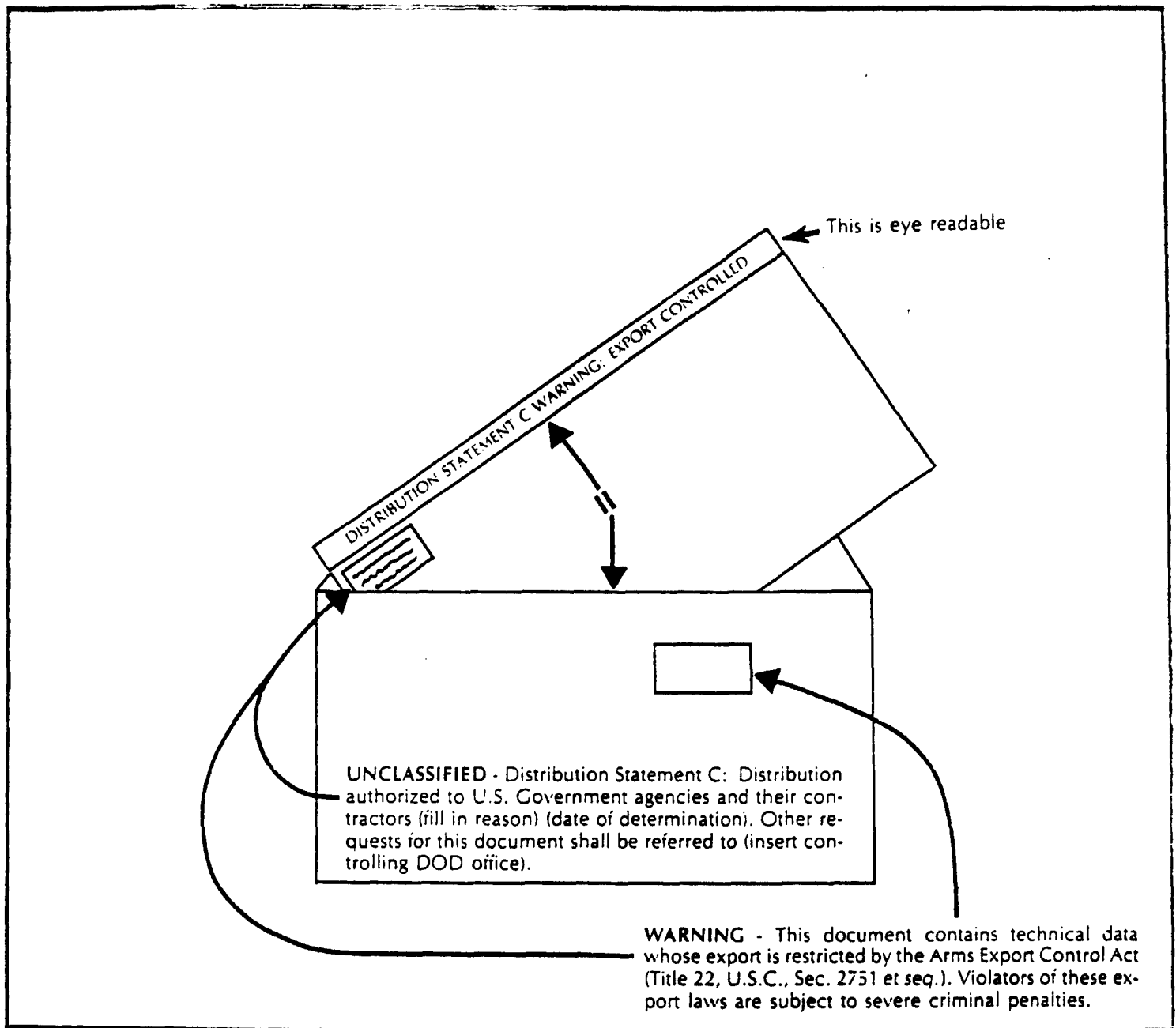
UNCLASSIFIED - Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).



UNCLASSIFIED - Statement B, U.S. Government (insert controlling DOD office).

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

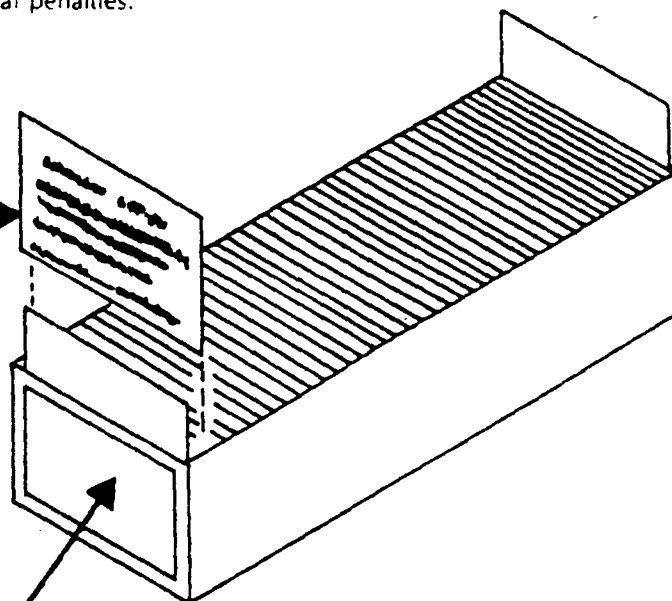
This example uses Distribution Statement B.
FIGURE 7. Marking sound recording.



This example uses Distribution Statement C.
 FIGURE 8. Marking microfiche and its container and marking the image of a microfiche.

UNCLASSIFIED - Distribution authorized to U.S. Government Agencies and their contractors (fill in reason code of determination). Other requests for this document shall be referred to (insert controlling DOD office).

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.

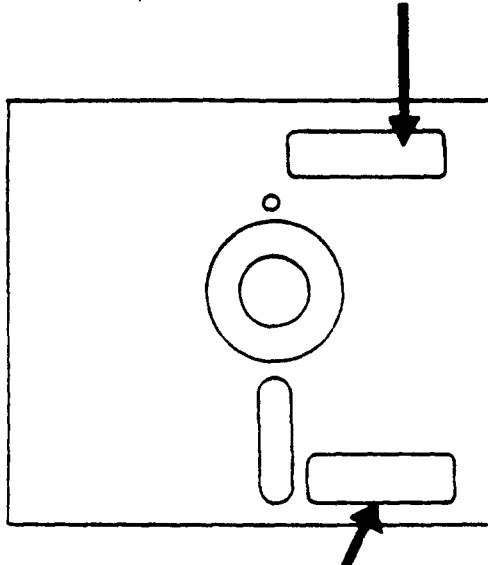


DISTRIBUTION C
WARNING: EXPORT CONTROLLED

This example uses Distribution Statement C
and an Export Control Warning.

FIGURE 9. Marking a deck of ADP punched cards.

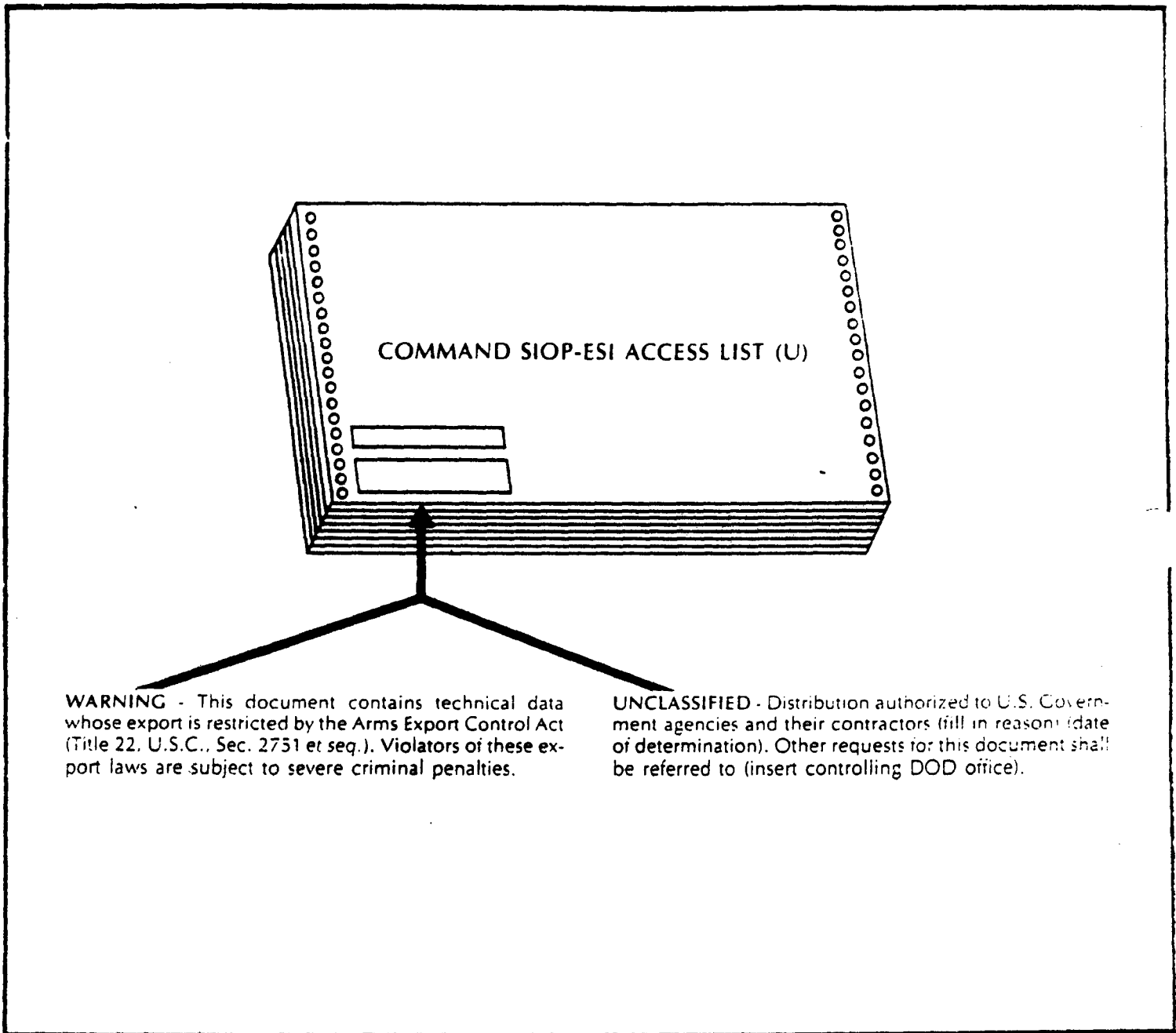
WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec. 2751 et seq.). Violators of these export laws are subject to severe criminal penalties.



UNCLASSIFIED - Distribution authorized to U.S. Government agencies only (fill in reason) (date of determination). Other requests for this document shall be referred to (insert controlling DOD office).

This example uses Distribution Statement B
and an Export Control Warning.

FIGURE 10. Marking a removable word processing storage medium.



This example uses Distribution Statement C
and an Export Control Warning.

FIGURE 11. Marking a document produced by ADP equipment.

APPENDIX A

10. GENERAL

10.1 Scope. This notice assigns responsibilities for the dissemination of export-controlled technical data. This Appendix is a mandatory part of the standard. The information contained herein is intended for compliance.

20. APPLICABLE DOCUMENTS. This section is not applicable to this appendix.

30. WORDING OF NOTICE

30.1 Notice. The wording and underlining of the title shall be duplicated exactly.

NOTICE TO ACCOMPANY THE DISSEMINATION OF EXPORT-CONTROLLED TECHNICAL DATA.

1. Export of information contained herein, which includes, in some circumstances, release to foreign nationals within the United States, without first obtaining approval or license from the Department of State for items controlled by the International Traffic in Arms Regulations (ITAR), or the Department of Commerce for items controlled by the Export Administration Regulations (EAR), may constitute a violation of law.

2. Under 22 U.S.C. 2778 the penalty for unlawful export of items or information controlled under the ITAR is up to 2 years imprisonment, or a fine of \$100,000, or both. Under 50 U.S.C., Appendix 2410, the penalty for unlawful export of items or information controlled under the EAR is a fine of up to \$1,000,000, or five times the value of the exports, whichever is greater; or for an individual, imprisonment of up to 10 years, or a fine of up to \$250,000, or both.

3. In accordance with your certification that establishes you as a "certified US contractor," unauthorized dissemination of this information is prohibited and may result in disqualification as a certified US contractor, and may be considered in determining your eligibility for future contracts with the Department of Defense.

4. The US Government assumes no liability for direct patent infringement, or contributory patent infringement or misuse of technical data.

5. The US Government does not warrant the adequacy, accuracy, currency, or completeness of the technical data.

6. The US Government assumes no liability for loss, damage, or injury resulting from manufacture or use for any purpose of any product, article, system, or material involving reliance upon any or all technical data furnished in response to the request for technical data.

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7. If the technical data furnished by the Government will be used for commercial manufacturing or other profit potential, a license for such use may be necessary. Any payments made in support of the request for data do not include or involve any license rights.

8. A copy of this notice shall be provided with any partial or complete reproduction of these data that are provided to qualified US contractors.

APPENDIX B

GUIDE TO DETERMINE WHETHER TECHNICAL DATA ARE EXPORT-CONTROLLED

10. GENERAL

10.1 Scope. This Appendix is a guide to help determine whether the technical data contained in a document are subject to export restrictions. This determination is a government responsibility. This Appendix is not a mandatory part of the Standard. The information contained herein is intended for guidance only.

20. APPLICABLE DOCUMENTS. This section is not applicable to this appendix.

30. DETERMINATION OF TECHNICAL DATA CONTENT.

30.1 Do export controls apply?

DoD controlling offices will use the following guidance in determining whether data are export controlled.

a. The MCTL is an excellent reference for use in making this determination.

b. Technical data that relate directly to articles controlled by the International Traffic in Arms Regulations or its US Munitions List (ML), or the Export Administration Regulations or its Commodity Control List (CCL), also are controlled for export.

30.2 Is the technology controlled?

a. Generally speaking, if the document discusses unclassified cutting edge science with no identified applications--fundamental research--it is not controlled, and may be distributed without restriction. Distribution Statement A will be applied to such a document. Similarly, if the document discusses well-known technology that we know is widely available in the public domain, Distribution Statement A is appropriate.

b. If a document discusses technology that --

(1) contains critical elements that are classified, or

(2) is unique to a specific, well-defined military application, then the document probably contains information that should be controlled.

30.3 Procedures for determining when to make technical data subject to export controls with an export control warning statement.

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All DoD technical data subject to export restrictions for national security shall be marked with an export control warning statement to indicate that they are exempt from public disclosure. Technical data may be withheld from public release if it has military or space application, cannot be exported without license or approval under the AECA or the EAA, and is not subject to a general license permitting export under the ITAR and EAR export-control regulations. To determine if technical data may be withheld from release, refer the data in question to technically qualified people, able to answer the following questions:

(1) Data Type:

ARE THE TECHNICAL DATA OF THE TYPE THAT CAN BE USED, OR BE ADAPTED FOR USE TO DESIGN, ENGINEER, PRODUCE, MANUFACTURE, OPERATE, REPAIR, OR REPRODUCE SOME DEFENSE ARTICLE?

Factors to consider in answering this question include:

(a) The type of technical data in question: technical reports, engineering drawings, operation and maintenance manuals (sometimes simply technical manuals or technical orders), military specifications and standards related to particular types of equipment, and training manuals related to particular types of equipment have the greatest probability of being subject to export control. Scientific papers and other data that do not relate to products are less likely to be controlled.

(b) Most test reports are export-controlled. They meet the standard if they show which individual components can be used within a larger weapons system; what weapons can be used for particular purposes; or show how to use, maintain, or train people to use particular weapons. They do not meet this standard if they simply show the operating characteristics of a weapon, and this information would not affect the decision to use the weapon. In the latter case, the information might qualify for security classification, but it would not meet export-control standards.

IF THE ANSWER TO (1) IS POSITIVE, PROCEED TO (2).

IF THE ANSWER TO (1) IS NEGATIVE, THE DATA IS NOT SUBJECT TO WITHHOLDING UNDER EXPORT-CONTROL LAWS.

(2) General License Exemption:

HAS THE EXACT SAME TECHNICAL DATA BEEN PUBLICLY RELEASED, AND IS IT GENERALLY AVAILABLE?

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The DoD controlling office must determine whether the technical data has ever been cleared for public release, or whether it knows of any unauthorized release that has led to wide circulation of the technical data. Points to consider in this evaluation are--

(a) The data released publicly must be the exact data for the general license to be applicable. Frequently the information publicly released omits key features, such as the manufacturing tolerances for the dimensions of particular parts. This type information is key to the workability of much equipment.

(b) If similar data have been publicly released, the portion of the document containing that information is not subject to exemptions in the export-control laws. Documents in which non-released data is blanked out, and a copy made by some technique which does not permit the blanked out portions to be determined, may be released.

(c) Release to perform a particular task with a constraint on further dissemination is not a public release. Release under DoD Directive 5230.25 is not a public release.

(d) Scientific and educational information not directly and significantly related to design, production, or use in industrial processes, or instruction in academic institutions and academic laboratories, excluding information that involves research under contract related directly and significantly to design, production, or use in industrial processes, is not subject to export control exemptions.

IF THE ANSWER TO (2) IS POSITIVE, THE DATA IS NOT SUBJECT TO WITHHOLDING UNDER EXPORT-CONTROL LAWS.

IF THE ANSWER TO (2) IS NEGATIVE, PROCEED TO (3).

(3) Militarily Critical Technology List (MCTL):

DOES THE TECHNICAL DATA DISCLOSE INFORMATION RECOMMENDED FOR CONTROL IN THE MCTL?

A more exact method to determine if a document reveals controlled technology employs the MCTL and its appendices. Although the MCTL is not a control list, the things it lists are controlled or will probably be controlled for reasons of national security. One of its important potentials is its ability to track emerging technologies, militarily critical technologies that are so new that they have not yet been listed on control lists. Its legislated charter is to provide information in sufficient enough detail to help an official decide if an item or information is controlled against export.

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Note that this question is not "is the subject area mentioned or listed in the MCTL?" It is not enough to simply find a key word in the MCTL and assume that control is intended for a specific application of the general area listed. For example, although the general area of LASER is listed many times in the MCTL, this does not mean that all LASER-specific applications and sub-components should be controlled; LASER technology for eye surgery would not be controlled. To properly use the MCTL you must understand whether control is recommended by the MCTL for your specific area of interest. MCTL Appendix C is helpful in this regard.

Points to consider in this evaluation:

(a) The MCTL is sufficiently specific to guide the determination of whether to control the export of --

1. Arrays of Know-How - design and manufacturing know-how and related technical information required to achieve a significant development, production, or use. Such know-how includes services, processes, procedures, specifications, design data and criteria, and testing techniques.

2. Keystone Equipment - manufacturing, inspection, test, or any other equipment specifically necessary for effectively applying a significant array of technical information and know-how.

3. Keystone Materials - materials specifically necessary for effectively applying a significant array of technical information and know-how.

4. Goods Accompanied by Sophisticated Know-How - goods, the use of which requires the provision (disclosure) of a significant array of technical information and know-how (including operation, application, or maintenance know-how) and for which embedded know-how is inherently derivable by reverse engineering, or is revealed by use of the goods.

5. Items of Intrinsic Military Utility. Items other than those identified as "Keystone Manufacturing, Inspection and Test Equipment," "Keystone Materials," and "Goods Accompanied by Sophisticated Know-How" whose transfer to potential adversaries shall be controlled for the following reasons:

The end product in question could significantly enhance the recipient's military or warmaking capability either because of its technology content or because of the quantity sold.

APPENDIX B

The product could be analyzed to reveal US system characteristics and thereby contribute to the development of countermeasures to equivalent US equipment.

(b) The technologies identified in the MCTL primarily contribute to the development, production, or use of items being controlled for national security purposes on the current Commodity Control List (CCL) and the US Munitions List (ML) of the International Traffic in Arms Regulations (ITAR). The commodities described in this list are limited to equipment and materials identified as critical to the development, production, or use of end-items of concern, or goods that convey information concerning these activities.

(c) The MCTL does address end-items of intrinsic military utility. Items identified on the MCTL are not possessed by the Warsaw Pact nations.

(d) The MCTL includes a brief description of the critical technology under consideration, rationale statement for inclusion on the list, and the explicit critical elements of that technology.

(e) The MCTL is itself not intended as a control list, nor is it intended as a substitute for, nor an addition to, the current export control lists. The MCTL is a detailed and structured technical statement of development, production, and use technologies which the DOD determines to be crucial to given military capabilities, and of significant value to potential adversaries. As such, it is a technical reference and source document to support export-control decisions.

(f) The lists of keystone equipment, keystone materials, and goods accompanied by sophisticated know-how contain both those items explicitly listed in the CCL and the ML, and items implicitly covered by controls currently in effect or under review for possible control. Where items identified as militarily critical are explicitly covered in the CCL, only the Export Commodity Control Number (ECCN) reference is provided. In other cases where the ECCN statement is more general than the coverage in the MCTL, the amplifying detail is provided.

(g) Appendices have been included in the MCTL to assist the user when making a determination to control data:

1. Appendix A provides a glossary and definitions of the most frequently used words, and of certain more technical words contained in the MCTL.

2. Appendix C is a cross-reference list of the current and proposed MCTL, CCL, and ML items.

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3. Appendix D is a list of the MCTL section titles and descriptive phrases listed by numerical MCTL entries.

4. Appendix E is a keyword-in-context list versus numerical MCTL entry; it is a rotation of Appendix D.

5. Appendix F is a cross-reference list of the CCL and ML items to MCTL goods accompanied by sophisticated know-how.

6. Appendix G is a cross-reference of CCL items to MCTL keystone equipment and keystone materials items.

(h) It is recommended you check the MCTL before the ML and CCL; the determination can then be made more easily. Pertinent portions of the MCTL are more closely related to the mission of a DOD program office involved, and there is a cross-reference to the ML and CCL.

STEP-BY-STEP

The first step toward deciding if a document contains export-controlled information is to find the MCTL section in which the technology resides.

GO TO APPENDIX E. Appendix E of The Military Critical Technologies List (U) Appendices A-L lists keywords in context. The center column of the appendix is the keyword. The left column provides additional information and the right column is the MCTL reference number. First, find a keyword that most clearly matches the technology in question. Try several keywords until you find a listing. Write down the MCTL reference number for the keyword.

GO TO APPENDIX F. Appendix F tells users on which export control list a technology resides, if the technology is controlled. The far left column is the MCTL section number for the technology. Scan this column until you find the MCTL reference number previously established.

If there is a listing in any one of the far right three columns following the MCTL section number, then the technology is controlled to at least one destination (not all controlled technologies are controlled to all destinations). For the task at hand, reviewers need not be concerned with the details of licensing technologies for export. This is the responsibility of the contractor. Therefore, merely establishing if a technology is controlled for export is sufficient.

A listing such as "EAR Sec 379" means that the technology is controlled by a specific regulation in the Export Administration Regulations. If "Suppl 3" follows this listing, then the controlling mechanism is in supplement three of the EAR.

APPENDIX B

A listing such as "ECCN 1355A" means the technology is specifically listed on the CCL.

A listing such as "ITAR CAT XII" means the technology is on the US Munitions List.

If you have not yet decided if the technology in question is controlled, then a review of the ITAR or EAR listing is necessary. This can be accomplished by taking the appropriate reference and looking up the technology. Within the EAR there are extensive discussions of ECCNs. The ITAR provides briefer descriptions because its ML is a listing of military use only items and technologies. Some confusion arises over the dual use nature of EAR listed items. If there remains some question of whether the technology in question involves a military system, it is probably more correct to assume it does because the technology is the product of the armed services.

IF THE ANSWERS (1) AND (3) ARE POSITIVE, THE TECHNICAL DATA IS SUBJECT TO WITHHOLDING UNDER EXPORT-CONTROL LAWS.

IF THE ANSWER TO (3) IS NEGATIVE, PROCEED TO (4).

(4) Munitions List (ML):

DO THE TECHNICAL DATA DIRECTLY RELATE TO A WEAPON LISTED IN CATEGORIES I THROUGH XVI OF THE ML, ITAR SECTION 22 CFR 121.01?

Points to consider when using the ML in this evaluation:

(a) The ITAR prohibits the export of technical data relating to arms, ammunition, and implements of war without approval of the Department of State. The ML is a listing in the ITAR which enumerates articles designed as arms, ammunition, and implements of war which are subject to export control.

(b) The term "article" is defined as any of the arms, ammunition, implements of war, and technical data relating thereto enumerated in the ML.

(c) Generally, the articles listed are end-items or components, and do not describe specific materials (except chemical) agents or propellants).

(d) Technical data is any unclassified information that can be used, or be adapted for use to design, produce, manufacture, repair, overhaul, process, engineer, develop, operate, maintain, or reconstruct arms, ammunition, and implements of war on the ML, or any technology which advances the state-of-the-art or establishes a new art in an area of significant military applicability in the US.

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IF THE ANSWER TO BOTH (1) AND (4) IS POSITIVE, THE TECHNICAL DATA IS SUBJECT TO WITHHOLDING UNDER EXPORT CONTROL LAWS.

IF THE ANSWER TO (4) IS NEGATIVE, PROCEED TO (5).

Check the munitions list before checking the CCL. Less technical information and knowledge is needed to determine munitions list applicability.

(5) Commodity Control List (CCL).

DOES THE TECHNICAL DATA DIRECTLY PERTAIN TO AN ITEM LISTED ON THE CCL?

Points to consider when using the CCL in this evaluation:

(a) The CCL is a listing prepared by the Department of Commerce to control the export of goods or technologies which may significantly contribute to the military potential of foreign countries, thereby adversely affecting the national security of the US.

(b) Only technical data relating to commodities on the CCL are prohibited from export without a license.

(c) Technical data is defined as information of any kind that can be used, or adapted for use, to design, produce, manufacture, use, or reconstruct articles or materials. The data may take a tangible form, such as a model, prototype, blueprint, or an operating manual, or may take an intangible form such as technical service.

IF THE ANSWERS TO (1) AND (5) ARE POSITIVE, THE TECHNICAL DATA IS SUBJECT TO WITHHOLDING UNDER EXPORT CONTROL LAWS.

IF THE ANSWER TO (5) IS NEGATIVE, THE DATA ARE NOT SUBJECT TO WITHHOLDING UNDER EXPORT CONTROL LAWS.

IF DETERMINATION STILL CANNOT BE MADE, CALL FOR HELP FROM THE JUDGE ADVOCATE OFFICE OR FOREIGN DISCLOSURE POLICY OFFICE.

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(Project MISC-0109)

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Air Force - 11, 16
DLA - DH

User Activities:

Army - ME, SC,
Navy - OS, MC, CG, OM, EC, TD, YD
Air Force - 01, 02, 13, 14, 18, 19, 26, 70, 71, 79, 80, 82, 84, 85, 89, 90,
91, 98, 99

STANDARDIZATION DOCUMENT IMPROVEMENT PROPOSAL

(See Instructions - Reverse Side)

1. DOCUMENT NUMBER		2. DOCUMENT TITLE	
3a. NAME OF SUBMITTING ORGANIZATION		4. TYPE OF ORGANIZATION (Mark one)	
b. ADDRESS (Street, City, State, ZIP Code)		<input type="checkbox"/> VENDOR	
		<input type="checkbox"/> USER	
		<input type="checkbox"/> MANUFACTURER	
		<input type="checkbox"/> OTHER (Specify): _____	
5. PROBLEM AREAS			
a. Paragraph Number and Wording:			
b. Recommended Wording:			
c. Reason/Rationale for Recommendation:			
6. REMARKS			
7a. NAME OF SUBMITTER (Last, First, MI) - Optional		b. WORK TELEPHONE NUMBER (Include Area Code) - Optional	
c. MAILING ADDRESS (Street, City, State, ZIP Code) - Optional		8. DATE OF SUBMISSION (YYMMDD)	

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Tab 21

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AF STINFO PUBLICATIONS ARCHITECTURE

AFR	AFPD OR AFI	TITLE
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83-1	61-2	Management of Scientific and Technical Information
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	61-201	The Local Scientific and Technical InformationProcess
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83-2	61-202	US Air Force Technical Publications Program
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80-12	61-203	The Work Unit Information System
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80-30	61-204	Disseminating Scientific and Technical Information
-------------	--------------	--

80-34.....		
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83-3.....		
-----------	--	--

80-43	61-205	Sponsoring or Co-Sponsoring, Conducting, andPresenting DoD-Related Scientific Papers atUnclassified and Classified Conferences, Symposia,and Other Similar Meetings
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80-44.....	rescinded.....	Defense Technical Information Center
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	AFRLI 61-201..	Research and Development (R&D) Case Files
--	----------------	---

.....	61-2YY	Information for Industry
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.....	(Draft)	
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Scientific/Research and Development

MANAGEMENT OF SCIENTIFIC AND TECHNICAL INFORMATION

1.1. The process of exchanging information is an essential element of research, development, test, and evaluation (RDT&E) and studies and analysis (SA). Air Force participation in this process conserves diminishing resources and promotes progress by enabling those involved in RDT&E to take advantage of the efforts of others. This directive provides policy to ensure that the Air Force complies with Department of Defense (DoD) directions, instructions, and policies when it publishes, disseminates, retrieves, exchanges, and stores Scientific and Technical Information (STINFO).

1.2. Management of STINFO within the Air Force involves the production of information in various media, the protection of that information by proper classification and distribution controls, and effective dissemination by publishing and depositing it in central information repositories so that it is available to all who need the information.

1.3. The Air Force will produce, protect, and disseminate STINFO as an integral part of its RDT&E and SA efforts. See attachment 1 for measures used to comply with this policy.

1.3.1. The Air Force will establish and support adequate information and communications services relating to STINFO in support of its RDT&E and SA efforts. This involves all aspects of collecting, producing, disseminating, controlling, protecting, and applying STINFO.

1.3.2. The Air Force will exchange STINFO with the public and private sectors, including academia, to share Air Force technologies and exploit technologies developed elsewhere.

1.3.3. The Air Force will provide releasable defense technical, planning, requirements, budget, and acquisition information to industrial or other organizations capable of engaging in defense research, development, and acquisition programs.

1.3.4. The Air Force will ensure that all scientific and technical data concerning Air Force RDT&E and SA efforts are reviewed from the standpoint of controlling distribution. Data will be expeditiously made available to the research, development, and engineering communities throughout DoD, other Federal agencies, state and local governments, academia, industry, and other private individuals, consistent with appropriate distribution controls.

1.4. The following responsibilities and authorities are established:

1.4.1. SAF/AQT is designated the Department of the Air Force office of primary responsibility for the Air Force STINFO program and will appoint an Air Force STINFO Program Manager who is the single focal point for STINFO as required by DoD Directive 3200.12, *DoD Scientific and Technical Information Program*, February 15, 1983.

1.4.2. Commanders and directors of the activities at attachment 2 will appoint a local STINFO Officer whose full-time duty assignment will be to represent the commander or director and to serve as the single, authoritative point of contact for STINFO matters within the command or activity. The local STINFO Officer will establish, manage, and monitor the program and perform the duties described in AFI 61-201, *Responsibilities of the Local STINFO Officer* (formerly AFR 83-1).



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1.5. Terms Explained:

1.5.1. Air Force Program Manager. Individual appointed at SAF/AQT to provide Air Force-wide programmatic guidance for the program.

1.5.2. Defense Technical Information Center (DTIC). Under the operational control of the Office of the Director of Defense Research and Engineering, DTIC provides for the acquisition, storage, announcement, retrieval, and secondary distribution of technical documents.

1.5.3. Local Scientific and Technical Information Officer. Individual appointed by the local commander to carry out and enforce compliance with the various elements of the US Air Force STINFO Program.

1.5.4. Technical Document. Any recorded information or data, regardless of its physical form or characteristics, that contains scientific and technical information or technical data including production, engineering, and logistics information. Excluded are official Air Force publications, which are not distributed through the Defense Technical Information Center.

1.5.5. Work-Unit Information Summary. The set of data elements that describe, for separate research, development, test, and evaluation efforts, what is being accomplished, the performer, location, sponsor, cost, and progress to date. Submitted to the Defense Technical Information Center for inclusion in the Work-Unit Information System, a database that makes available information on current work in progress.

1.6. See attachment 3 for DoD publications implemented by this policy directive and for other Air Force directives and instructions with which it interfaces.

JOHN E. JAQUISH, Lt General, USAF
Principal Deputy, Assistant Secretary of the Air Force for Acquisition

3 Attachments

1. Measures and Display of Compliance With Policy
2. Activities That Require Full-Time STINFO Officers
3. Publications With Related Policies and Instructions



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MEASURES AND DISPLAY OF COMPLIANCE WITH POLICY

A1.1. SAF/AQT will evaluate compliance with Air Force STINFO policy by reviewing data submitted by the locally appointed STINFO Officers and Office of Secretary of Defense-directed feedback reports from the DTIC. SAF/AQT will equate success with positive trends, which equate to continual process improvements. Air Force instructions subordinate to this policy directive will contain reporting requirements, which will be based upon approved Air Force reporting systems consisting of various report control symbols (RCS) inputs. Reporting will include:

A1.1.1. Number of technical reports generated by in-house and extramural efforts and submitted to DTIC (including completeness and timeliness of reporting [figure A1.1]). Timeliness is reflected by how long it takes to publish the final report (and submit it to DTIC) after the work has been completed. The desired trend is for the total number of technical reports submitted to DTIC to increase. A second trend is to decrease the number of reports that take more than 120 days to submit.

A1.1.2. Timeliness of work-unit information summaries and the percentage of up-to-date summaries in the DTIC database (figure A1.2). The desired trend is the increasing number of summaries in the database over time along with a decreasing percentage over 12 months old.

A1.1.3. New starts and major modifications for which literature searches are completed and documented (figure A1.3). The objective is to have at least one literature search performed for every new start and major modification. The desired trend is the decreasing difference between the numbers of new starts and major modifications on one hand and the number of literature searches on the other.

A1.2. SAF/AQT will tabulate the results of quarterly reporting in an annual report to be published and distributed. This will allow deficiencies (i.e., failures to improve) to be identified and activities to compare their efforts with others.



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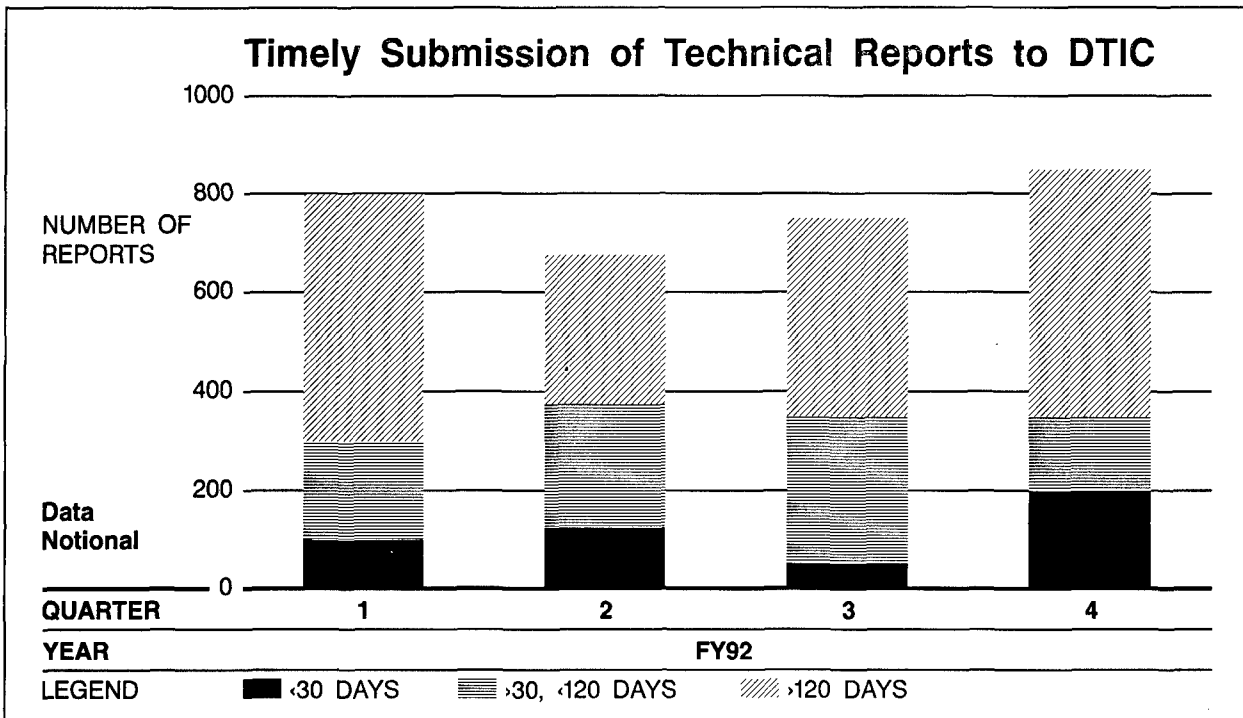


Figure A1.1. Sample Metric of Timely Submission of Technical Reports to DTIC.

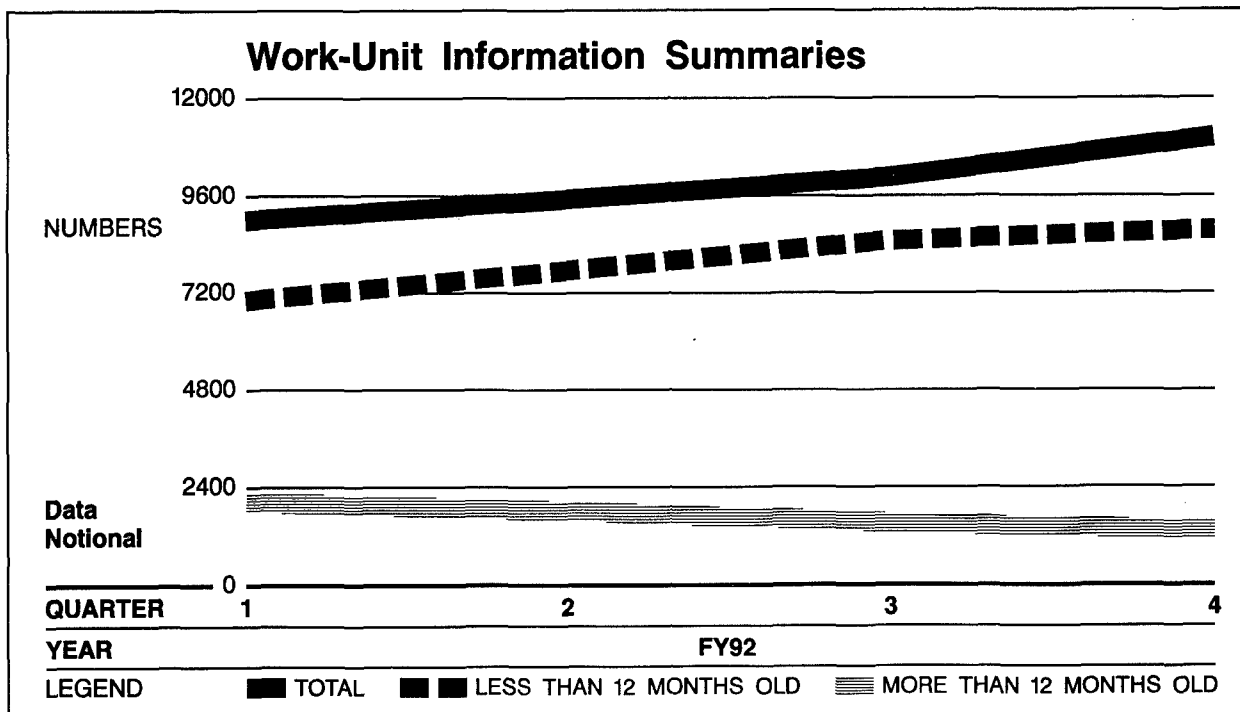


Figure A1.2. Sample Metric of Work-Unit Information Summaries.



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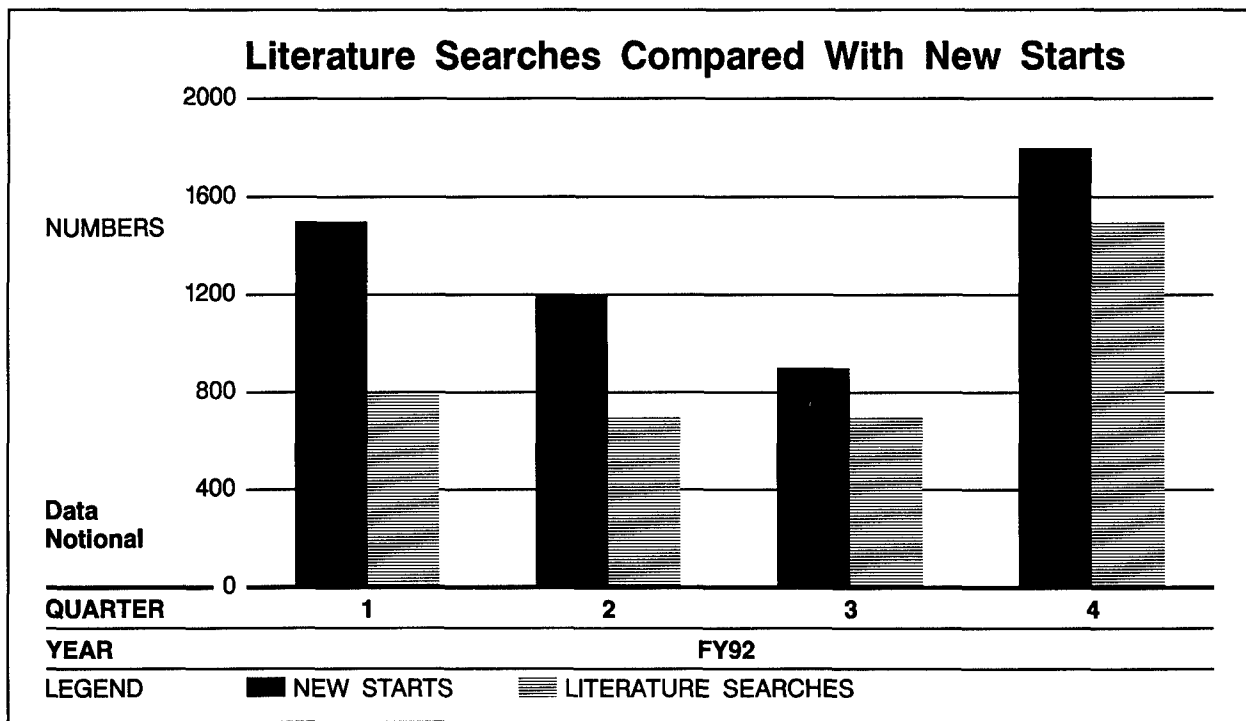


Figure A1.3. Sample Metric of Literature Searches Compared With New Starts.



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ACTIVITIES THAT REQUIRE FULL-TIME STINFO OFFICERS

Air Force Materiel Command.
Aeronautical Systems Center.
Electronic Systems Center.
Human Systems Center.
Space and Missiles Systems Center.
Armstrong Laboratory.
Phillips Laboratory.
Rome Laboratory.
Wright Laboratory.
Ogden Air Logistics Center.
Oklahoma Air Logistics Center.
Sacramento Air Logistics Center.
San Antonio Air Logistics Center.
Warner Robins Air Logistics Center Air Force Flight Test Center.
Arnold Engineering Development Test Center.
Civil Engineering Support Agency.
Air Force Space Command.
Air Training Command.
Air Combat Command.
Air Mobility Command.
Air Force Communications Command.
Air Force Communications Agency.



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Air Force Technical Applications Center.

Air Force Operational Test and Evaluation Center.

Air Force Academy.

Air Force Center for Environmental Excellence.



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PUBLICATIONS WITH RELATED POLICIES AND INSTRUCTIONS

A2.1. This directive implements the following DoD publications:

<u>Publication Designation</u>	<u>Title</u>	<u>Former Publication or Date</u>
DoD Directive 3200.12	<i>DoD Scientific and Technical Information Program</i>	February 15, 1983
DoD 3200.12-R-1	<i>Research and Technology Work Unit Information System Regulation</i>	August 1983
DoD 3200.12-R-2	<i>Centers for Analysis of Scientific and Technical Information Regulation</i>	January 1985
DoD Directive 5200.12	<i>Conduct of Classified Meetings</i>	July 27, 1992
DoD Instruction 5200.21	<i>Dissemination of DoD Technical Information</i>	September 27, 1979
DoD Directive 5230.24	<i>Distribution Statements on Technical Documents</i>	March 18, 1987
DoD Directive 5230.25	<i>Withholding of Unclassified Technical Data From Public Disclosure</i>	November 6, 1984
DoD Directive 5230.27	<i>Presentation of DoD-Related Scientific and Technical Papers at Meetings</i>	October 6, 1987

A2.2. This directive interfaces with the following Air Force policy directives and instructions:

<u>Publication Designation</u>	<u>Title</u>	<u>Former Publication or Date</u>
AFPD 61-1	<i>Management of Air Force Science and Technology</i>	AFR 80-3
AFI 61-201	<i>Responsibilities of the Local STINFO Officer</i>	AFR 83-1
AFI 61-202	<i>AF Technical Publications Program</i>	AFR 83-2
AFI 61-203	<i>R & T Work-Unit Information System</i>	AFR 80-12
AFI 61-204	<i>Controlling the Distribution of Classified and Unclassified STINFO</i>	AFRs 80-30, 80-34, and 83-3
AFI 61-205	<i>Sponsoring or Cosponsoring, Conducting, and Presenting DoD-Related Scientific and Technical Papers at Unclassified and Classified Conferences, Symposia, and Other Similar Meetings</i>	AFR 80-43



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**Publication
Designation**

Title

**Former
Publication or Date**

AFI 61-207

Air Force Information for Industry Offices

AFR 80-11

AFI 61-208

Air Force Potential Contractor Program

No Former Publication

AFI 61-209

Advance Planning Briefings for Industry

No Former Publication

AFR 80-39 (Joint
Departmental
Publication)

*Certification and Registration for Access
to Scientific and Technical Information*

May 5, 1977

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THE LOCAL SCIENTIFIC AND TECHNICAL INFORMATION PROCESS

This instruction implements AFD 61-2, *Management of Scientific and Technical Information*, and DoD Directive 3200.12, *DoD Scientific and Technical Information*, February 15, 1983. It establishes the procedures, processes, and management guidelines for local Scientific and Technical Information (STINFO) officers. STINFO officers help their commanders and directors produce, protect, and control dissemination of technical data and provide for the information needs of individuals in the organization.

SUMMARY OF REVISIONS

This instruction updates, clarifies, and streamlines previous guidelines for local STINFO officers. A ★ indicates revisions from the previous edition.

1. The Local STINFO Officer:

- 1.1. Identifies subordinate activities at separate geographic locations that require STINFO officers and determine if the position should be full- or part-time.
- 1.2. Is the office of primary responsibility for:
 - Disseminating STINFO, including technical reports, technical, and professional publications.
 - Reporting work-in-progress to the Defense Technical Information Center (DTIC) Work-Unit Information System.
- 1.3. Develops methods to improve STINFO procedures.
- 1.4. Keeps up-to-date on emerging technologies that might benefit STINFO activities.
- 1.5. Schedules and joins in meetings to discuss STINFO concerns and opportunities.
- 1.6. Submits plans or reports to improve STINFO services, including internal changes that benefit other Air Force organizations.
- 1.7. Coordinates all elements of the STINFO program with appropriate offices, including the Office of Research and Technical Application (ORTA) to support the Domestic Technology Transfer Program, the technical library, and foreign technology specialists.
- 1.8. Monitors Information Analysis Centers (IAC) that the organization supports.
- 1.9. Publishes and disseminates technical material that documents the observations, results, findings, and recommendations of all efforts, particularly to DTIC, IACs, and major technical libraries.
- ★1.10. Reviews all STINFO produced in the organization and marks materials with appropriate distribution statements to control secondary distribution.
- 1.11. Is the principal contact with DTIC. (**NOTE:** This does not preclude others from dealing with DTIC, particularly if the local program is decentralized.)
- 1.12. Updates data into databases at DTIC to keep them current and complete. (**NOTE:** You must keep all work-in-progress data up to date and send all technical reports to DTIC.)
- 1.13. Documents and validates that personnel search the DTIC and other applicable databases and literature no later than 6 months before beginning new efforts or making significant changes to ongoing efforts. Project-approval requires principal investigators or program managers to search DTIC databases and use the search results in program planning. Principal investigators and program managers should keep the search results during the life of the project (but not less than 3 years) to help the DoD Inspector General oversee and inspect the project.
- 1.14. Conducts programs for scientists, engineers, technicians, analysts, managers, and administrators based on training materials, procedures, and policies developed by HQ SAF/AQT.

1.15. Prepares standing operating procedures, local regulations, local policy documents, or supplement to Air Force instruction to assign responsibility for various parts of the STINFO program to appropriate offices and identify the information shared among program participants.

1.16. Withholds unclassified technical data from public disclosure.

1.17. Sponsors, cosponsors, and conducts unclassified and classified conferences and symposia.

1.18. Provides appropriate support to the local ORTA.

1.19. Collects, analyzes, and interprets data on the effectiveness of the program. You must have meaningful data to measure STINFO performance.

1.20. Attends HQ SAF/AQT STINFO training sessions and conferences, DTIC user meetings, and related professional-development courses, seminars, workshops, and conferences.

1.21. Use AF Form 2519, **All Purpose Checklist**, illustrated in attachment 1 to help you comply with this section.

2. Commanders and Directors. Appoint a member of the headquarters staff to be the activity's STINFO officer, reporting directly on STINFO program status. **NOTE:** STINFO officers should have appropriate grade and adequate authority to make sure that their activities participate, including identifying and appointing points of contact in the organization to carry out portions of the program. Use AF Form 2519, illustrated in attachment 2, to assist you in complying with this section.

3. Terms Explained:

3.1. Defense Technical Information Center (DTIC). Acquires, stores, announces, and retrieves technical documents under the operational control of the Office of the Director of Defense Research and Engineering. Provides secondary distribution for documents and maintains three automated databases accessible by DoD personnel and two of which are accessible by current and registered potential defense contractors. The databases cover DTIC's Technical Report collection as well as work-in-progress (the Work-Unit Information System) and Independent Research and Development (IR&D) efforts. The IR&D database is limited to DoD personnel.

3.2. Local STINFO Officers. Carry out and enforce compliance with the various elements of the Air Force STINFO Program. Appointed by the local commander.

3.3. Office of Research and Technology Application (ORTA). Oversees the Domestic Technology Transfer Program as required by the *Federal Technology Transfer Act of 1986* (Public Law 99-502).

3.4. Potential Defense Contractor. Individual or organization outside of DoD that is certified as eligible to receive STINFO based on registration and confirmation of need-to-know by an appointed Army, Navy, or Air Force Potential Defense Contractor Program coordinator.

3.5. Technical Document. Any recorded information, regardless of its physical form or characteristics, that contains scientific and technical information, or technical data including production, engineering, and logistics information. Official Air Force publications, which are not distributed through DTIC are excluded.

★DARLEEN A. DRUYUN

Deputy Assistant Secretary of the Air Force
for Acquisition

2 Attachments

1. Sample AF Form 2519, **All Purpose Checklist**, for Local STINFO Officers
2. Sample AF Form 2519, **All Purpose Checklist**, for Commanders and Directors

SAMPLE AF FORM 2519, ALL PURPOSE CHECKLIST, FOR LOCAL STINFO OFFICERS

ALL PURPOSE CHECKLIST		PAGE 1 OF 1 PAGES		
TITLE/SUBJECT/ACTIVITY/FUNCTIONAL AREA EVALUATION CHECK LIST—For Local STINFO Officers		OPR	DATE	
NO.	ITEM (Assign a paragraph number to each item. Draw a horizontal line between each major paragraph.)	✓		
1.	Attended STINFO training.			
2.	Identified STINFO needs within your organization.			
3.	Identified subordinate activities that require full- or part-time subordinate STINFO managers.			
4.	Procedures established to obtain STINFO services and support from the Defense Technical Information Center (DTIC).			
5.	Controls in place to ensure searching of DTIC data bases before all new starts or significant changes to ongoing programs.			
6.	Technical publications program in place and tracking system established.			
7.	Procedures in place for submission of information to DTIC with controls to ensure complete and timely submission.			
8.	Procedures and controls in place for marking technical documents.			
9.	Conducting indoctrination of local scientists, engineers, and others.			
10.	In the coordination cycle of others who are establishing and planning meetings.			
11.	Publish proceedings of meetings held in your organization.			
12.	Coordinate with other offices. <ul style="list-style-type: none"> a. Security. b. Public Affairs. c. Data Management (STINFO data items are included in contracts.) d. Local technical library. 			

AF FORM 2519, NOV 91 (EF)

PREVIOUS EDITION WILL BE USED.

Figure A1.1. Sample AF Form 2519.

[illegible]

PREVIOUS EDITION WILL BE USED.

Figure A2.1. Sample AF Form 2519.

Tab 22

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Scientific/Research and Development

UNITED STATES AIR FORCE TECHNICAL PUBLICATIONS PROGRAM

This instruction establishes policies and procedures for processing, distributing, and publishing technical documents generated in-house or by contract, subcontract, or grant (including reports published by federally funded research and development centers (FFRDC)). It applies to all Air Force organizations generating scientific and technical information (STINFO). It does not apply to intelligence documents produced by the National Air Intelligence Center. It implements AFRD 61-2, *Management of Scientific and Technical Information*, and Department of Defense (DoD) Directive 3200.12, *DoD Scientific and Technical Information Program*, February 15, 1983, and DoD Instruction 5200.21, *Dissemination of DoD Technical Information*, September 27, 1979. Reports referenced in this instruction are exempt from licensing in accordance with AFI 37-124, *The Information Collections and Reports (ICR) Program*.

SUMMARY OF CHANGES

This instruction updates, clarifies, and streamlines previous guidelines.

1. Air Force STINFO Program:

1.1. The STINFO program facilitates communication of information and data for use in planning and conducting Air Force research, development, test, and evaluation (RDT&E); engineering; production; logistics; and studies and analysis efforts.

1.1.1. These efforts are not complete until you document and distribute the results to the appropriate activities. Documentation consists of any medium that transfers information, including paper, microform, electronic storage, and video recordings.

1.1.2. Formal documentation is the permanent record of the effort and is the basis for a tangible end product. The documentation enhances activities' ability to review, reference, and transfer technology. It maximizes the flow of technical information and minimizes the uncoordinated duplication of effort.

1.2. Program managers, principal investigators, and researchers record as technical publications all significant scientific or technological observations, findings, recommendations, and results derived from:

- Air Force RDT&E
- Engineering

- Production
- Logistics
- Studies and Analysis Efforts
- Contracted Advisory and Assistance Services
- Cooperative Research and Development Agreements
- These publications contribute to the national scientific and technical information knowledge base. This requirement excludes these items:
 - Preliminary informal results of studies that you must disseminate for immediate action.
 - Reports conveying fiscal, administrative, or other nontechnical information.
 - Progress or letter reports by contractors or grantees that give, for administrative purposes, the status of R&D efforts.
 - Technical reports that satisfy requests from organizations outside DoD and that essentially duplicate the primary official government document.

1.3. The Air Force sends technical publications to the research, engineering, and studies and analysis community, including supporting technical libraries, the

Defense Technical Information Center (DTIC), and appropriate information analysis centers (IAC), consistent with established security controls and distribution limitations.

1.4. The Air Force prepares technical publications using standard formats.

1.5. The Air Force finalizes and distributes technical publications within 180 days after completing or terminating the work.

2. Local STINFO Officers:

2.1. Oversee the technical publications program for their organizations in compliance with AFPD 61-2; AFI 61-201, *The Local Scientific and Technical Information Program*; and this instruction.

2.2. Carry out or confirm that other offices in their organization are carrying out these functions by preparing or reviewing supplements, policy letters, operating instructions, internal controls, and standing operating procedures, and by making site visits and performing independent audits.

2.2.1. Prepare, submit, publish, and distribute technical reports documenting the scientific and technical results of research, engineering, and studies and analysis efforts, whether or not the results are conclusive and regardless of whether the work is done in-house, by grant, or by contract.

NOTE: When an effort terminates before completion without a final report, the principal investigator or equivalent prepares a technical note or technical memorandum, unless the STINFO officer issues a waiver. Normally, each effort yields at least one technical publication.

2.2.2. Ensure all RDT&E contracts (including contracts with FFRDCs) specify the technical data and other documentation of results that contractors must deliver in accordance with the Air Force supplement to DoD Directive 5000.1, *Defense Acquisition*. (Contracting officers list appropriate data item descriptors on the DD Form 1423, **Contract Data Requirements List (CDRL)**. Except for data that standard federal acquisition regulation (FAR) clauses specifically require, the CDRL is the sole list of required data for delivery under a particular contract.)

2.2.3. Encourage publication in professional journals for reporting the results of research efforts.

2.2.4. Make sure that contractors apply proper distribution and export control statements to all deliverable technical data according to Military Standard 1806, *Marking Technical Data Prepared by or for the Department of Defense*.

2.2.5. Make sure that Air Force contract monitors do not sign the DD Form 250, **Material Inspection and Receiving Report**, until they receive acceptable camera-ready copies of technical reports.

2.2.6. Maximize the quality of technical publications. Review and edit all technical reports and similar documents (including journal articles) before publishing or submitting them to journals.

2.2.7. Track and record the progress of expected technical publications from before the due date of the original draft through printing. You can use the work-in-progress database at DTIC to help identify efforts nearing completion for which a report will be published.

2.2.8. Inform DTIC of changes occurring in technical publications, including changes of classification, distribution control, and revisions or substitutions in technical documents. Review your organization's technical publications at least yearly to identify such changes. The DTIC technical reports' database can help you in this effort.

2.2.9. Use the following guidelines to handle patentable subject matter and invention disclosures:

2.2.9.1. Immediately refer in-house unclassified reports that contain patentable subject matter to patent personnel and to the Office of Research and Technology Application (ORTA). Patent personnel (Staff Judge Advocate and the Air Force Legal Support Agency) evaluate these reports to decide if the author should immediately file a patent application. Do not distribute unclassified reports outside the government that contain information on patentable subject matter. Mark such documents with the appropriate distribution statement (see AFI 61-204, *Controlling the Dissemination of Scientific and Technical Information*) restricting their distribution to the US Government (not Statement A, Approved For Public Release). Only after filing a patent application covering the subject matter with the Patent and Trademark Office, can you use Distribution Statement A (Approved for Public Release). You can then inform prior recipients of any changes in distribution.

2.2.9.2. Handle contractor invention disclosures according to the contract clauses prescribed by FAR section 27.303.

2.2.10. Confirm that the public affairs office is clearing documents for public release.

2.2.11. Do not include material that implies that the Government endorses or favors a product or service manufactured or supplied by a specific supplier in technical reports. If you must use a trade or product name for clarity, state that this does not constitute an Air Force endorsement.

3. Technical Report Formats:

3.1. Responsible Air Force organizations, contractors, and grantees should prepare reports using a professional format. You can use the American National Standards Institute (ANSI) Standard Z39.18, *Scientific and Technical Reports: Organization, Preparation and*

Production, as a guide. ANSI standard is not required for journal articles.

3.2. Use these rules as written without any changes:

3.2.1. **Report Documentation Page.** Insert the Standard Form (SF) 298, *Report Documentation Page*, in all publications. SF 298 gives you guidelines for bibliographies and dissemination controls. You can put the form in front of the document immediately following the cover (preferred location) or at the end of the document as the last page of the publication. If you insert it at the front of the publication, you can use it as

the title page or include a formal title page, too. When you send a journal article to DTIC, just attach SF 298.

3.2.2. **Report Numbers.** Assign a number to all technical publications as a unique identifier. Base this number on ANSI Z39.23-1990, *Standard Technical Report Number Format and Creation*.

3.2.3. **Putting Special Notices on Technical Publications:**

3.2.3.1. Put a review and approval statement on the inside front cover, or in the document preface. Use the following version as a guide:

THIS REPORT HAS BEEN APPROVED FOR PUBLICATION.	
Project Engineer or Scientist	Supervisor
Signature	Signature
Name and Rank	Name and Rank
FOR THE COMMANDER	

3.2.3.2. Include on the inside or outside front cover, one or more of these statements:

"Do not return copies of this report unless contractual obligations or notice on a specific document requires its return.

"This report is published in the interest of scientific and technical information exchange and does not constitute approval or disapproval of its ideas or findings.

"Using Government drawings, specifications, or other data included in this document for any purpose other than Government procurement does not in any way obligate the US Government. The fact that the Government formulated or supplied the drawings, specifications, or other data does not license the holder or any other person or corporation; or convey any rights or permission to manufacture, use, or sell any patented invention that may relate to them.

"If you change your address, wish to be removed from this mailing list, or your organization no longer employs the addressee, please notify (insert the appropriate organization and address)."

3.2.4. If you include copyrighted material in the document, follow the procedures in AFI 51-303, *Patents*.

4. Technical Publications Types:

4.1. In conjunction with the local STINFO officer, the author usually decides how to publish a document. The decision should be based on the nature of the information

and its need by the Air Force and other DoD organizations and their contractors. Technical publications include:

4.1.1. Technical reports that formally present results after completing an effort or major phase of an effort.

4.1.2. Conference proceedings that compile presentations, lectures, or papers from meetings, symposia, conferences, or conventions.

4.1.3. Journal articles that use formats set by publishers. Periodical or journal articles are technical papers and sometimes satisfy final-report requirements for a work effort (for example results of basic research). A journal article may not be adequate, however, because it does not allow publishing all the results. In this case, a technical report would also be required.

4.1.4. Technical memoranda, technical notes, progress reports, or interim reports that record interim or partial results. These reports are highly useful for efforts that terminate before completion where no final report will result.

5. Classifying and Restricting Distribution of Technical Publications:

5.1. Do not classify basic scientific research or its results, except in rare cases when the information shows an especially significant scientific breakthrough and you have reason to believe that it is not known or in the state-of-the-art of other nations and classifying the material gives the United States a national security advantage. When you must classify a document, follow DoD 5200.1-R, *Information Security Program Regulation*, January

1987, with change 1, and AFD 31-4, *Information Security*.

5.2. Do not reference classified documents in unclassified reports that are approved for public release.

5.3. Include information that increases the distribution limitation of a report only when such information is necessary to understand the report.

5.4. Assign an unclassified, unlimited distribution statement only if the document contains no sensitive information. If any restriction exists, place the applicable distribution statement from AFI 61-204 on the outside front cover. The public affairs office approves all unlimited distributions (Distribution Statement A, Approved for Public Release) after coordinating the documents through appropriate internal staff offices (for example legal, security, and foreign disclosure).

5.5. The organization that ordered the work is the controlling DoD office of primary responsibility (OPR) and controls the distribution statement. When the performing organization is also a DoD activity, however, the controlling office does not change the performing organization's recommended distribution statement without agreement from the performing organization.

5.6. Include the responsible Air Force organization's short title and OPR's functional address symbol (FAS) for distribution statements B, C, D, E, F, or X. (See AFI 61-204 for a list of the distribution statements and instructions for their application.)

5.7. For reports containing export control data, put this notice on the outside front cover immediately below the distribution statement:

"WARNING--This document contains technical data whose export is restricted by the Arms Export Control Act (22 U.S.C. 2751, et seq.) or the Export Administration Act of 1979, as amended (50 U.S.C. 2401, et seq.). Violating these export laws subject you to severe criminal penalties. Disseminate in accordance with the provisions of DoDD 5230.25."

6. Handling Contractors' Distribution Restrictions (Limited Rights Legends). Show limited rights legends to the contracting officer or designee to decide if the contract authorizes using such legends. Even when a legend appears to be totally unauthorized, respect it until the contracting officer makes a final determination.

6.1. If a publication will be distributed outside the Government and if the legend has not been justified according to the Defense Federal Acquisition Regulation Supplement (DFARS), ask the contracting officer to require a justification.

6.2. If the publication will not be distributed outside the Government or if the Government lacks the resources to investigate the contractor's claim that the legend is justified, the Government may honor the legend without

investigation. In this case, ask the contracting officer to advise the contractor as follows:

"The Government notes your legend limiting our rights to use (the name of the technical publication). We will observe these restrictions for the present, even though we have not investigated the propriety of the legend. This action does not prejudice the Government's rights to later question the legend."

7. Preparing Technical Publications Involving Other Organizations. When multiple organizations cooperate in technical efforts, the tasking document specifies who prepares and publishes the technical document. You may use the collaborating organization's identifying publication number with your own.

8. Distributing Technical Publications. Distribute technical publications as widely as possible, consistent with security controls and distribution limitations:

8.1. Distribute documents to the following organizations:

- Air Force, DoD, other Federal organizations, and contractors who need the information to continue with an Air Force project
- DTIC (see section 9)
- Air University Library (HQ AUL/LSE), Maxwell AFB AL 36112-5564 (AFI 36-2303, *Documents and Publications for the AU Library*)
- Director, National Security Agency (P2213), Ft George G. Meade MD 22705-5000, if the report contains communications intelligence (COMINT), electronic intelligence (ELINT), or communications security (COMSEC) information.

8.2. Do not distribute classified STINFO reports to recipients who simply say they have an "interest" in the general subject matter without first evaluating their clearance and access authorizations, need-to-know, and ability to properly store classified material.

8.3. Distribute reports containing export-controlled data only to qualified contractors certified and registered with the Defense Logistics Services Center (DLSC) (AFI 61-204).

8.4. Review and verify classified distribution lists (for example lists of those qualified to receive classified documents) at least once a year (DoD 5200.1-R and AFD 31-4).

8.5. Refer DoD and other Federal Government agency requests for copies of publications to DTIC. Refer public requests for unclassified, unlimited publications to the National Technical Information Service (NTIS).

9. Distributing Technical Publications to DTIC:

9.1. Send technical publications to DTIC within 180 days after completing the work or within 10 days of receiving the final printed report except:

- Encrypted TOP SECRET reports that contain designated categories of intelligence or information from a foreign government that forbid the report's dissemination
- Management reports containing nontechnical information about a project and administrative details
- Technical documents for use by the originating activity only, such as working reports

9.2. Send two high-quality paper copies of each publication and one digital copy (in an established digital format) to DTIC with DTIC Form 50, *Accession Notice*. The better the quality of the report you send to DTIC, the better their reproductions will be. You can get DTIC Form 50 from DTIC, Cameron Station, Alexandria VA 22304-6145. **NOTE:** Even if you don't have high-quality copies, you must still submit the report to DTIC.

9.3. DTIC:

- Provides secondary distribution.
- Announces and distributes all classified and unclassified reports (including confidential and secret reports that do not have special-access requirements).
- Sends all unclassified, unlimited reports to NTIS for distribution to the general public.

10. Publication and Reprints of Articles in Technical Journals:

10.1. Air Force policy encourages its scientific and technical personnel to publish research results in recognized journals. Journal publication is important to the Air Force's R&D program.

10.2. Publishing technical accomplishments in professional journals may satisfy technical reporting requirements if the work was sponsored by program 6.1 or 6.2 funds. Authors select the journal and comply with the journal's publication procedures and schedules. Prefer to publish in refereed journals. This does not apply to limited-distribution, classified, and export-controlled information. If publishing a journal article requires omitting important information that is limited, classified, or export controlled, publish a technical report also to fully disseminate the information.

10.3. Air Force personnel may acquire reprints of their own articles for distribution.

10.4. The cost of publishing scientific results in professional journals is a necessary part of research. The Air Force repays these costs according to paragraph 10.7.

10.5. Before submitting an article for publication in a professional journal, the author's supervisor must identify the material as official or unofficial. The technical management of the author's activity reviews and validates

the technical content of the article, approves the article for publication, and verifies that:

- The article's dissemination enhances Air Force-related R&D programs.
- Defense security requirements are satisfied.
- The publisher knows that official material is not subject to copyright law.

10.6. For official material, the local STINFO manager submits two copies of the article to DTIC with a completed SF 298. For unofficial material for publication in a copyrighted journal, the STINFO manager sends the completed SF 298 to DTIC. The form simply cites the issue and page numbers.

10.7. If the journal has page charges, authors may use project or other funds when all the following conditions exist:

- The journal's charges apply to all contributors and do not discriminate against the Government.
- The Government does not bear the entire cost of the publication and the publication is not exclusively for the Government.
- The article is concise and will be published in a reasonable page space according to accepted journalistic practice. (AFI 37-160, *Air Force Publications and Forms Management Programs*, and the *Government Printing Office Style Manual* provide guidelines on style and usage.)
- Any illustrations, figures, graphs, or tables in the article are simple. (Use ANSI Z39.18 for guidelines.)
- The author submits the article to the publisher through official Air Force channels that meet all requirements for releasing technical information.
- Billing charges from journals for published articles contain a statement similar to:
 - "For services performed in the review, editing, and publication of information on results of research performed by Department of Air Force personnel." (**NOTE:** Authors should inform journals of this requirement before billing takes place.)

10.8. When possible, provide a camera-ready manuscript instead of paying page charges. Many professional and technical journals accept or require camera-ready manuscripts in lieu of assessing page charges. Not only is this approach less expensive for the author, but it allows the author to directly control the quality of the article.

10.9. Reprints of official material may be acquired from the original publisher using RDT&E funds.

10.10. Submit one copy of each paper to the project officer or program manager at the same time that you submit it for publication.

10.11. After publication, submit copies of published papers to the project officer or program manager designated by the sponsor.

10.12. Print this warning on all journal articles:

"Opinions, interpretations, conclusions, and recommendations are those of the author and are not necessarily endorsed by the United States Air Force."

10.13. Before publishing a journal article based on R&D sponsored by other than program 6.1 or 6.2 funds, you must have the article reviewed and get approval from the Air Force sponsor according to Air Force information-release policies and procedures. You may withhold certain unclassified, technical information from public disclosure if it might jeopardize an important US technological or operational advantage per DoDD 5230.25, *Withholding of Unclassified Technical Data from Public Disclosure*.

10.14. You must include the following acknowledgment with all journal articles based on work funded or

supported by the Air Force if you are an Air Force employee, member, contractor, or grantee:

"This research was sponsored by (name of sponsoring organization), Department of the Air Force grant or contract number ()."

10.15. The Air Force allows the publication and public presentation of unclassified contracted fundamental research results. Security classification controls information generated by Air Force-funded fundamental research in science, technology, and engineering performed under contract or grant at colleges, universities, and non-government laboratories. The Air Force does not authorize any other type of control unless required by law.

Forms Prescribed

SF 298, **Report Documentation Page**, and DTIC Form 50, **Accession Notice**.

CLARK G. FIESTER

The Assistant Secretary of
the Air Force for Acquisition

Tab 23

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Scientific/Research and Development

THE WORK UNIT INFORMATION SYSTEM

This instruction implements Air Force Policy Directive (AFPD) 61-2, *Management of Scientific and Technical Information*, Department of Defense Directive (DoDD) 3200.12, *DoD Scientific and Technical Information Program*, 15 February 1983, and DoD 3200.12-R-1, *Research and Technology Work Unit Information System Regulation*, 5 August 1983. It establishes procedures for compiling and submitting information to, and searching, the Work Unit Information System (WUIS), and specifies the frequency and timeliness of preparation and input. The report control symbol (RCS) for WUIS is DD-A&T (AR)-636.

SUMMARY OF CHANGES:

This instruction updates, clarifies, and streamlines previous guidelines relating to the WUIS.

1. Background. The Defense Technical Information Center (DTIC) maintains WUIS, a work-in-progress database that stores separate records (Work Unit Information Summaries) on distinct, individual in-house and extramural efforts (i.e., contracts, grants, Cooperative Research and Development Agreements). A Work Unit Information Summary is a set of data elements that describes, for distinct Research, Development, Test, and Evaluation (RDT&E) efforts, what is being accomplished, the performer, location, sponsor, cost, and progress-to-date. Government and industry investigators search the WUIS to identify others working in similar areas, to exchange information rapidly, to coordinate efforts with colleagues, and to keep up to date on research in their fields.

2. Responsibilities.

2.1. SAF/AQT is the Air Force office of primary responsibility (OPR) for WUIS. It determines reporting requirements and exceptions and, together with DTIC, approves submission methods.

2.2. The local Scientific and Technical Information (STINFO) officers (or WUIS focal points) develop

internal controls for preparing and submitting Work Unit Information Summaries and for conducting literature searches.

2.3. Air Force personnel (primarily principal investigators, program managers, and contracting officer's technical representatives):

2.3.1. Prepare Work Unit Information Summaries of their separate and distinct works-in-progress.

2.3.2. Forward their summaries to the local office identified by the commander as responsible for sending them to DTIC or entering the data electronically. **NOTE:** Activities can extract the required information from local management information systems, eliminating the need to compile the information separately.

2.3.3. Conduct literature searches and maintain copies of literature search statistical pages and keyword strategies in the project file or R&D case file for documentation and future reference. Include the search control numbers and dates, and the rationale for searching additional sources.

3. Literature Search Requirements. Local STINFO officers make sure that Air Force personnel in their organizations search the DoD RDT&E On-Line System (DROLS, which comprises WUIS, technical reports, and Independent Research and Development), commercial databases, and the open literature prior to (but within one year of):

- Initiating any in-house effort.
- Arranging for work to be performed by other Government agencies.
- Requesting contractual services.

EXCEPTION: In the case of a Broad Agency Announcement (BAA), you only need to search the literature to support the decision to award a contract resulting from proposals that you receive in response to the BAA.

- Making significant changes to on-going efforts.
- Confirming the uniqueness of subject matter and innovations of unsolicited proposals.

4. Reporting Requirements.

4.1. Air Force RDT&E activities (laboratories, product centers, logistics centers, and test centers) prepare Work Unit Information Summaries of each technically distinct in-house and extramural RDT&E, engineering, and logistics effort regardless of program, program category, or appropriation. These efforts include:

- Contracts (including Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) contracts).
- Grants awarded for R&D.
- Cooperative Research and Development Agreements (CRDAs).
- Studies and analysis efforts and Contracted Advisory and Assistance Services (CAAS).
- Technically distinct tasks under task-order contracts.
- Cooperative agreements and other transactions.

4.2. Responsibilities When Transferring Funds To, and Receiving Funds From, Other Government Agencies.

4.2.1. When an Air Force activity transfers funds to a non-DoD Government agency, or otherwise sponsors non-DoD Government-agency work, the Air Force activity prepares the summary.

4.2.2. When an Air Force activity transfers funds to a DoD agency (for example through a procurement

directive, purchase order, or Military Interdepartmental Purchase Request), or otherwise sponsors DoD agency work, the performing DoD agency prepares the summary when the sponsoring Air Force activity requests. Otherwise the sponsoring Air Force activity prepares the summary.

4.2.3. When an Air Force activity receives funds from, or does work for, another DoD agency, the Air Force activity prepares the summary when the sponsoring DoD agency requests.

4.3. Maximizing Access To, and Use By, the DoD Contractor Community. Because planned expenditures or levels of planned obligations cannot be released outside DoD, keep summaries releasable by leaving this information out whenever possible. Also, describe classified efforts in unclassified terms whenever possible to maximize dissemination of the information.

4.4. Updating Work Unit Information Summaries. Air Force personnel update summaries annually, when a significant change occurs, or when completing or terminating an effort. They document technical progress and major milestones in the updated summary.

4.5. Closing Out. Air Force personnel prepare a final summary and a final technical report after completing an effort. Include the abstract from the final report and the technical report number. If there is no technical report, explain why.

5. Exceptions to Reporting and Literature Searches.

Air Force personnel do not need to submit summaries nor perform literature searches for:

- Procurement of supplies or equipment, except when provided to an academic institution. (This satisfies the requirement for DoD to submit information to the Committee on Academic Science and Engineering (CASE) reporting system.)
- Ongoing, repetitive data collection and analyses.
- Equipment installations. **NOTE:** Other guidance may require literature searches for computer equipment in connection with a Computer System Requirements Document.
- Programming or computational support.
- Maintenance and support services.
- Routine engineering (including engineering, mathematical, or design calculations, or routine, repetitive (non-original or non-innovative) or supporting analyses).
- Efforts involving strategic intelligence data analysis, where the sharing of such information could compromise the national security.

- Conducting conferences and symposia.
- Training.

6. Procedures.

6.1. When to Submit Work Unit Information Summaries.

6.1.1. Submit a summary within 30 working days of:

- Getting approval to initiate, change, complete, or terminate an in-house effort.
- Awarding a contract or grant, or changing or supplementing an existing contract or grant that affects the description of work, level of funding, identity of a principal investigator, or duration of the effort.
- Transferring funds to a Government agency.
- Making changes to, completing, or terminating an effort.

NOTE: Review, revise, or update the information in each summary at least once a year to report progress.

6.2. How to submit Work Unit Information Summaries.

6.2.1. Unclassified summaries: Enter these summaries in the system by using any method acceptable to DTIC and SAF/AQT.

6.2.2. Classified summaries: Enter classified summaries via a dedicated classified terminal in accordance with DTIC guidance. **NOTE:** Personnel who do not have access to dedicated classified terminals mail hard copies of classified summaries to: The Defense Technical Information Center, ATTN: DTIC-HDR, Cameron Station, Alexandria, VA 22314-6145.

RICHARD E. HAWLEY, LtGeneral, USAF
Principal Deputy, Assistant Secretary of the Air Force for Acquisition

1 Attachment

Glossary of References, Abbreviations, Acronyms, and Terms

GLOSSARY OF REFERENCES, ABBREVIATIONS, ACRONYMS, AND TERMS***Section A--References***

AFPD 61-2, *Management of Scientific and Technical Information*

DoDD 3200.12, *DoD Scientific and Technical Information Program*

DoD 3200.12-R-1, *Research and Technology Work Unit Information System Regulation*

Section B--Abbreviations and Acronyms

Abbreviations and Acronyms	Definitions
BAA	Broad Agency Announcement
CAAS	Contracted Advisory and Assistance Services
CASE	Committee on Academic Science and Engineering
CRDA	Cooperative Research and Development Agreement
DROLS	DoD RDT&E On-Line System
DTIC	Defense Technical Information System
RDT&E	Research, Development, Test, and Evaluation
SBIR	Small Business Innovation Research
STINFO	Scientific and Technical Information
STTR	Small Business Technology Transfer
WUIS	Work Unit Information System

Section C--Terms

DROLS--A master database maintained by the Defense Technical Information Center that comprises the Work Unit Information System and the technical report and Independent Research and Development databases.

Work Unit--The smallest segment into which RDT&E efforts are divided for local administration or control. Each work unit has a specific objective, definite duration, and results in an end product. It is technically distinct in scope, objective, and duration from other RDT&E efforts with which it may be aggregated for either financial, administrative, or contracting purposes.

Tab 24

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DISSEMINATING SCIENTIFIC AND TECHNICAL INFORMATION

This instruction implements AFR 61-2, *Management of Scientific and Technical Information*; Department of Defense (DoD) Directive 5230.24, *Distribution Statements on Technical Documents*, 18 March 1987; and DoD Directive 5230.25, *Withholding Unclassified Technical Data from Public Disclosure*, 6 November 1984. It tells how to mark scientific, technical, engineering, production, and logistics data to show the extent to which personnel may disseminate the data. It describes the contractor certification process for access to unclassified, militarily-critical technical data and establishes procedures for withholding or disseminating such data. It applies to all technical publications and documents generated by all Air Force-funded research, development, test, and evaluation (RDT&E) programs, including working papers, memoranda, and preliminary reports, if those documents are not in the public domain, but are likely to be disseminated outside DoD. It also applies to engineering drawings, standards, specifications, technical manuals, blueprints, drawings, plans, instructions, computer software and documentation, photographs, technical orders, databases, and any information that can be used or adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning that equipment. It applies to any medium that transfers information, including paper, microform, electronic storage, and video recordings. It does not apply to cryptographic and communications security documents, communications and electronic intelligence, and other categories that the Director, National Security Agency, or the Chief, Central Intelligence Agency, designates. It does not apply to classified technical documents containing "restricted data" and "formerly restricted data" defined in the Atomic Energy Act of 1954, as amended. (See joint Department of Energy and DoD directives for distribution, control, and marking requirements.)

SUMMARY OF CHANGES

This instruction updates, clarifies, and streamlines previous guidance.

1. Responsibilities:

1.1. All Air Force components that originate or are responsible for technical documents must determine the documents' distribution availability and mark them appropriately before disseminating the documents.

1.2. Commanders and directors of Air Force activities appoint local coordinators of export-controlled technical data.

1.3. The coordinator (usually the local scientific and technical information officer) coordinates release of export-controlled technical data to certified contractors.

1.4. Air Force personnel who originate or are responsible for technical documents:

- Mark documents with proper distribution statements before disseminating documents.

- Send requests for documents to established document repositories, such as the Defense Technical Information Center (DTIC).
- When documents are not at repositories, release documents only to requestors who have the appropriate need-to-know and are certified with the Defense Logistics Support Center (DLSC).
- Mail documents containing export-controlled data only to the document custodian listed in block 3 of DD Form 2345, **Militarily Critical Technical Data Agreement**. **NOTE:** There is no requirement that the company official who certifies the form in block 6 must sign document requests.
- When data packages contain export-controlled data, include with announcements for the data

(for example, requests for proposal), explanations that requestors must be certified with Defense Logistics Support Center (DLSC) and include information on the certification process.

1.5. The public affairs office must review documents that originators recommended for public release in accordance with AFD 35-1, *Public Affairs Management*.

2. Marking Technical Documents with Distribution-Limitation and Export-Control Statements:

WARNING--This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C. 2571 et seq.) or Executive Order 12470. Violation of these export-control laws is subject to severe criminal penalties. Dissemination of this document is controlled under DoD Directive 5230.25 and AFI 61-204.

2.2. When providing technical documents to personnel from another DoD activity, mark documents to minimize the chance that DoD personnel might inadvertently give documents to inappropriate recipients.

2.1. Mark all technical documents that may be disseminated outside the DoD with one of the seven distribution statements listed in attachment 2, and the following export control notice if the document contains export-controlled technical data. **NOTE:** Distribution statements provide options ranging from unlimited distribution to no secondary distribution without specific approval of the originator. Review the data categories before assigning a distribution statement, and use only the statements in attachment 2. Fill in the reason, the date of determination, and the controlling DoD office.

2.3. Mark unclassified limited documents (i.e. documents not approved for public release) and classified documents with the following:

DESTRUCTION NOTICE--For classified documents, follow the procedures in DoD 5220.22-M, *Industrial Security Manual*, section 11-19, or DoD 5200.1-R, *Information Security Program Regulation*, chapter IX. For unclassified, limited documents, destroy by any method that will prevent disclosure of contents or reconstruction of the document.

2.4. You do not have to put a distribution statement on contractor-technical proposals or documents submitted in anticipation of award of contracts. Follow the guidelines in paragraphs 2.5.3 and 6.3 when working with contractor technical proposals that contain contractor limited rights data.

2.5. Guidance on release of software is in AFI 33-114, *Command, Control, Communications, and Computer (C4) Software Management*. **NOTE:** Only the software developer or office of primary responsibility may release source code; secondary distribution is limited to the application software (the object code).

2.6. The following is specific guidance for assigning distribution statements:

2.6.1. Distribution statements A-X may be applied to unclassified Air Force technical documents, while only distribution statements B-F may be applied to classified documents.

2.6.2. When a classified document is declassified, retain the original distribution statement until the controlling office either removes or changes the statement. When a classified document is declassified and has no distribution statement, handle the document as distribution F until the controlling office assigns a distribution statement.

2.6.3. Mark and control scientific and technical documents that include contractor-imposed limited-rights legends and computer software that includes contractor-imposed restricted-rights legends according to subpart 27.4 of the Defense Federal Acquisition Regulation Supplement.

2.6.4. Do not disseminate technical documents in draft or preliminary form without assigning distribution statements.

2.7. Distribution statements remain in effect until the controlling DoD office changes or removes them. Each controlling DoD office must establish a procedure for reviewing its documents periodically or when they receive a request for the document for possible changes or removal of distribution statements. For unclassified documents, the controlling DoD office must obtain public release determination according to AFD 35-1 before assigning distribution statement A.

2.8. Controlling DoD offices must notify DTIC and other concerned document-dissemination activities when:

- Program management responsibility is transferred, addresses of designated controlling DoD offices are changed, or controlling DoD offices are redesignated.

- Classification markings, distribution statements, or export control statements are changed or removed.

2.9. For technical publications, place the distribution statement on the front cover, title page, and SF 298, **Report Documentation Page**. If the technical document is not intended for publication and does not have a cover or title page, stamp, print, or write the distribution statement on the front page of the document.

2.10. When possible, put the portions of the document that contain information requiring distribution limitation in an appendix or separate volume to permit broader distribution of the basic document. Write the abstract on the SF 298 so that the information in the abstract will not have a limited distribution (i.e. that it is approved for public release).

2.11. You must include distribution statements and export-control notices on newly created documents.

2.11.1. You do not need to apply markings to technical documents that were created before the implementation of this instruction until someone asks for them. Mark and control them properly before disseminating them.

2.11.2. When older documents contain superseded distribution statements, convert the statements as follows:

2.11.2.1. Assign distribution statements C, B, E, and F to technical documents bearing distribution statements 2, 3, 4, and 5 of superseded DoD Directive 5200.20, *Distribution Statements (Other than Security) on Technical Documents*, 29 March 1965, respectively.

2.11.2.2. Do not reevaluate technical documents with distribution statements A and B of cancelled DoD Directive 5200.20, *Distribution Statements on Technical Documents*, 24 September 1970 or documents with distribution statements A-F contained in Secretary of Defense Memorandum "Control of Unclassified Technology with Military Applications," 18 October 1983.

3. Confirming the Certification of US Contractors:

3.1. In order to receive export-controlled technical data contractors must be certified by the DLSC. Air Force activities may confirm a firm's status by reviewing the certified contractor access list (CCAL), which DLSC maintains on an electronic bulletin board system accessible on a personal computer by modem or the Defense Data Network (DDN). Call DLSC at 1-800-352-3572 for information on how to access the CCAL. (Certification process is described in attachment 3.)

3.2. When you receive a request for export-controlled technical data from someone who is not certified, tell the requestor in writing why his or her request was denied. See attachment 4 for a sample letter, which you may tailor to fit local needs. Include a copy of the information sheet on the certified contractor program (attachment 5).

4. Handling Certified Contractor Requests for Export-Controlled Technical Data:

4.1. A controlling Air Force activity, or a repository responsible for secondary distribution of technical data, may release export-controlled technical data to a currently certified US contractor, unless:

4.1.1. The requested information is not related to the contractor's certification.

- Use the sample letter of denial at attachment 6, example 1 (tailored for local needs) to tell the requestor why his or her request is denied.
- Tell the requester that he or she can provide additional information or apply to DLSC for certification in that area.

4.1.2. The firm will not be using the information to bid or perform on an Air Force or other Government agency contract and release of the information might jeopardize US technical or operational military advantages.

- Use the sample letter of denial at attachment 6, example 2 (tailored for local needs) to tell the requestor why his or her request is denied. Coordinate the letter with the legal office.
- Tell the requester that he or she can appeal the decision.

4.1.3. The validity of the contractor's qualifications is in doubt. Coordinate with the legal office or with DLSC.

4.1.4. The requestor is a debarred contractor.

NOTE: Cite 10 U.S.C. 130 as implemented by DoD Directive 5230.25 and this instruction when denying requests for export-controlled technical data.

4.2. An Air Force activity sends requests from foreign governments to its foreign disclosure office (FDO). If the foreign government is not bidding on or supporting an Air Force or other Government contract, tell the contractor to submit the request through its embassy. The embassy may submit the request to the Deputy Undersecretary of the Air Force for International Affairs (SAF/IA), Country Director. (See AFD 16-2, *Foreign Disclosure of Classified and Unclassified Military Information to Foreign Governments and International Organizations*, and AFI 16-201, *Foreign Disclosure of Classified and Unclassified Military Information to Foreign Governments and International Organizations*.)

5. Handling Freedom of Information Act (FOIA) Requests for Export-Controlled Technical Data.

Follow the instructions in AFI 37-131, *Air Force Freedom of Information Act Program*, when you get a request for export-controlled, technical data under FOIA from someone other than a certified US contractor.

- Use the third exemption of 5 U.S.C. 552(b)(3) to deny those requests.
- Use the sample letter of denial at attachment 7 (tailored for local needs) to tell the requestor why his or her request is denied.

- Tell the requester that he or she can appeal the decision.
- Follow the instructions in AFI 37-131 when someone appeals your decision.
- Direct FOIA requests from the public to the FOIA manager.

NOTE: Process FOIA requests for export-controlled technical data from a certified US contractor according to section 4 of this instruction and inform the requestor of this action.

6. Sending Technical Data to Certified Contractors:

6.1. You may charge for copying, certifying, and searching records. (See AFPAM 37-145, *Schedule for Fees for Copying, Certifying, and Searching Records and Other Material*.) Tell people asking for information in the Defense Technical Information Center (DTIC) collection to contact DTIC for the data.

6.2. Do not release documents marked with distribution statement F without getting the originator's approval first. Tell the requestor that you are asking for authority to release the data. The controlling activity must ensure the requestor is a current, certified, US contractor before approving release of the information.

6.3. Coordinate with the legal office that services the contracting activity that issued the contract before releasing proprietary material.

6.4. Include the notice at attachment 8 with any release of export-controlled technical data. Use one copy of the notice regardless of the number of documents included in the release.

7. Secondary Dissemination of Export-Controlled Technical Data:

7.1. Certified contractors do not need Air Force permission to disseminate export controlled technical data when it is used for purposes consistent with the certification unless the Air Force has told them that they can't. The contractor must include a copy of the export-control notice (attachment 8). They may disseminate the data:

- To any foreign recipient approved, authorized, or licensed under Executive Order 12470 or the Arms Export Control Act.
- To another currently certified US contractor when that contractor is using the information under the guidelines in this AFI.
- To the Departments of State and Commerce so that the company can apply for approvals,

authorizations, or licenses for export under the Arms Export Control Act or Executive Order 12470.

- To Congress or any Federal, state, or local governmental agency so the company can meet regulatory, legal, or court-order requirements.

7.2. A certified US contractor must get the controlling Air Force activity's permission before disseminating export-controlled technical data not specifically authorized by this instruction. Give contractors a written statement giving them permission or telling them why they may not disseminate the data. The statement must be delivered within 45 days of the denial and must tell them that they may appeal the decision to the major command (MAJCOM) scientific and technical information (STINFO) officer.

NOTE: Unauthorized redissemination of export-controlled technical data can occur by publishing articles in open literature, in advertising or in promotional materials, in conducting educational and training courses, and by similar means whereby persons or entities not authorized by this instruction to have access can obtain access to the data.

8. Dealing with Violations of US Export Control Law:

8.1. Air Force activities must report to their MAJCOM STINFO Officer when a certified US contractor:

- Violates US export control law.
- Makes certifications in bad faith.
- Omits or misstates material facts.

8.2. Report violations involving a foreign contractor or other representative of a foreign nation to the MAJCOM STINFO officer, the FDO (in accordance with AFI 16-201 and to the Air Force Office of Special Investigations.

8.3. After coordinating with the MAJCOM staff judge advocate (SJA), the MAJCOM STINFO officer temporarily revokes the contractor's qualification. (**NOTE:** If further legal coordination is required, the MAJCOM SJA coordinates with the Air Force Office of the Judge Advocate General and the Office of the General Counsel of the Air Force.)

8.3.1. The STINFO officer:

- Immediately notifies the contractor and DLSC that the contractor's certification has been revoked.
- Gives the contractor an opportunity to respond in writing to the information on which the temporary revocation is based.

8.3.2. Based on the contractor response, the STINFO officer does one of the following:

- Reinstates the contractor when he or she presents sufficient information to show that the basis for the revocation was in error or has been remedied.
- Recommends DLSC disqualify the contractor when he or she does not provide enough information within 60 days to remove the revocation.

CLARK G. FIESTER
The Assistant Secretary of the Air Force
for Acquisition

8 Attachments

1. Glossary of References, Abbreviations and Acronyms, and Terms
2. Distribution Statements and Their Corresponding Reasons for Use
3. Contractor Certification Process for Access to Export-Controilled Technical Data
4. Sample Denial Letter to People Who Are Not Certified US Contractors
5. Information Sheet on the Certified US Contractor Program
6. Sample Denial Letters to Certified US Contractors
7. Sample Freedom of Information Act (FOIA) Denial Letter
8. Notice to Accompany the Dissemination of Export-Controlled Technical Data

GLOSSARY OF REFERENCES, ABBREVIATIONS AND ACRONYMS, AND TERMS

Section A--References

DoD 5200.1-R, *Information Security Program Regulation*

DoD 5220.22-M, *Industrial Security Manual*

DoDD 5230.11, *Disclosure of Classified Military Information to Foreign Governments and International Organizations*

DoDD 5230.20, *Visits and Assignments of Foreign Representatives*

DoDD 5230.24, *Distribution Statements on Technical Documents*

DoDD 5230.25, *Withholding of Unclassified Technical Data from Public Disclosure*

AFPD 16-2, *Foreign Disclosure of Classified and Unclassified Military Information to Foreign Governments and International Organizations*

AFI 16-201, *Foreign Disclosure of Classified and Unclassified Disclosure of Military Information to Foreign Governments and International Organizations*

AFPD 31-4, *Information Security*

AFI 31-401, *Information Security Program Management*

AFI 33.114, *Command, Control, Communications, and Computer (C4) Software Management*

AFPD 35-1, *Public Affairs Management*

AFI 37-131, *Air Force Freedom of Information Act Program*

AFPAM 37-145, *Schedule of Fees for Copying, Certifying, and Searching Records and Other Material*

Title 5, United States Code 552, *Freedom of Information Act*

Title 10, United States Code 130, *Authority to Withhold from Public Disclosure Certain Technical Data*

Title 22, United States Code 2571 et seq., *Arms Export Control Act*

Section B--Abbreviations and Acronyms

Abbreviations and Acronyms

Definitions

CCAL	Certified Contractor Access List
DDN	Defense Data Network
DLSC	Defense Logistics Support Center
DTIC	Defense Technical Information Center
FDO	Foreign Disclosure Office
FOIA	Freedom of Information Act
ITAR	International Traffic in Arms Regulations
JCO	Joint Certification Office
MAJCOM	Major Command

OUSDRE Office of the Under Secretary of Defense (Research and Engineering)
STINFO Scientific and Technical Information

Section C--Terms

Certified Contractor--Private individual or enterprise located in the United States or Canada who is certified and registered with the Defense Logistics Service Center for access to export-controlled technical data.

Certified Contractor Access List (CCAL)--Listing of US contractors who are registered and certified to receive export-controlled technical information. The Defense Logistics Support Center (DLSC) maintains the CCAL on an electronic bulletin board system. Contact DLSC on DSN 369-6814 or toll-free commercial 1-800-352-3572 for information.

Controlling DoD Office--DoD activity that sponsored the work that generated the technical data or the office that receives the data on behalf of a Government agency and has the responsibility for distributing the data to eligible recipients.

Data Custodian--Person designated at a certified contractor facility to receive and disseminate controlled technical data.

Export Administration Act--Any of the laws that have been codified at 50 U.S.C. Appendix 2401-2420.

Export-Controlled Technical Data--Data that cannot be lawfully exported without the approval, authorization, or license under US export control laws. The controlling regulations and documents are the International Traffic in Arms Regulation (ITAR), the US munitions list, and the militarily critical technologies list (MCTL).

Export Administration Regulations (EAR)--Controls export of dual-use items (materials with both civilian and military uses) specified on the commodity control list. The EAR is administered by the Bureau of Export Administration, US Department of Commerce, and implements the Export Administration Act of 1979.

Intending US Citizen--An alien who falls into one of the following categories:

- Permanent residents
- Temporary residents (individuals who have gone through or are in the process of going through the amnesty legalization program)
- Individuals admitted as refugees
- Individuals granted asylum

International Traffic in Arms Regulation (ITAR)--Controls the export of defense articles specified in the US Munitions List and technical data directly related to them.

ITAR is administered by the Office of Defense Trade Controls, US Department of State, and implements the US Arms Export Control Act. It has jurisdiction over:

- Information (including classified) relating to defense articles and defense services.
- Information covered by an invention secrecy order.
- Information directly related to designing, engineering, developing, producing, processing, manufacturing, using, operating, overhauling, repairing, maintaining, modifying, or reconstructing defense articles. It also includes information that advances the state-of-the-art of articles in the US Munitions List, including the technology used to procure or maintain these components. It does not include information concerning general scientific, mathematical, or engineering principles or theory.

Limited Document--Any document that is not approved for public release.

Militarily Critical Technologies List (MCTL)--The list issued by DoD under authority of the Export Administration Act. The MCTL lists technologies not possessed by countries to which the United States controls exports, and which, if exported, would permit a significant advance in a military system of any such country.

Militarily Critical Technology--Technologies that consist of:

- Arrays of design and manufacturing know-how (including technical data).
- Keystone manufacturing, inspection, and test equipment.
- Keystone materials.
- Goods accompanied by sophisticated operation, application, or maintenance know-how that would make a significant contribution to the military potential of any country or combination of countries and that may prove detrimental to the security of the security of the United States or Canada (also referred to as critical technology).

US Munitions List--(22 CFR 121). This list designates defense articles and defense services that are subject to ITAR, where:

- Defense articles are those items designated in the US Munitions List that must be export

controlled, and includes models, mock-ups, and any other devices that reveal technical data related directly to those articles.

- Defense services means:
- Furnishing assistance, including training to foreign persons, in the design, engineering development, production, processing,

manufacture, use, operation, overhaul, repair, maintenance, modification, or reconstruction of defense articles, whether in the United States or abroad.

- Furnishing any technical data to foreign persons, whether in the United States or abroad.

DISTRIBUTION STATEMENTS AND THEIR CORRESPONDING REASONS FOR USE

DISTRIBUTION A. Approved for public release; distribution unlimited.
DISTRIBUTION B. Distribution authorized to US Government agencies only (reason) (date of determination). Other requests for this document shall be referred to (controlling DoD office).
DISTRIBUTION C. Distribution authorized to US Government agencies and their contractors (reason) (date of determination). Other requests for this document shall be referred to (controlling DoD office).
DISTRIBUTION D. Distribution authorized to DoD and US DoD contractors only (reason) (date of determination). Other requests for this document shall be referred to (controlling DoD office).
DISTRIBUTION E. Distribution authorized to DoD components only (reason) (date of determination). Other requests for this document shall be referred to (controlling DoD office).
DISTRIBUTION F. Further dissemination only as directed by (controlling office) (date of determination) or DoD higher authority.
DISTRIBUTION X. Distribution authorized to US Government agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with DoDD 5230.25 (date of determination). Controlling DoD office is (insert).

"REASON"	STATEMENT					
	B	C	D	E	F	X
ADMINISTRATIVE OR OPERATIONAL USE. To protect technical or operational data or information from automatic dissemination under the international exchange program or by other means. This protection covers publications required solely for official use or strictly for administrative or operational purposes. This statement may be applied to manuals, pamphlets, technical orders, technical reports, and other publications containing valuable technical or operational data.	X	X	X	X		
CONTRACTOR PERFORMANCE EVALUATION. To protect information in management reviews, records of contractor performance evaluation, or other advisory documents evaluating programs of contractors.	X			X		
CRITICAL TECHNOLOGY. To protect information and technical data that advance current technology or describe new technology in an area of significant or potentially significant military application or that relate to a specific military deficiency of a potential adversary. Information of this type may be classified. When unclassified, technology is export controlled.	X	X	X	X		
DIRECT MILITARY SUPPORT. The document contains export-controlled technical data of such military significance that release for purposes other than direct support may jeopardize an important technological or operational US military advantage. Designation of such data is made by competent authority in accordance with DoDD 5230.25.				X		
FOREIGN GOVERNMENT INFORMATION. To protect and limit distribution in accordance with the desires of the foreign government that furnished the technical information. Information of this type normally is classified at CONFIDENTIAL or higher in accordance with DoD 5200.1-R	X	X	X	X		
PREMATURE DISSEMINATION. To protect patentable information on systems or processes in the developmental or concept stage from premature dissemination.	X			X		
PROPRIETARY INFORMATION. To protect information not owned by the US Government and protected by a contractor's "limited rights" statement, or received with the understanding that it not be routinely transmitted outside the US Government.	X			X		
SOFTWARE DOCUMENTATION. Releasable only in accordance with DoDI 7930.2.	X	X	X	X		
TEST AND EVALUATION. To protect results of test and evaluation of commercial products or military hardware when such disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.	X			X		

SPECIFIC AUTHORITY. To protect information not specifically included in the above reasons and discussions but which requires protection in accordance with valid documented authority such as Executive Orders, classification guidelines, DoD or DoD-component regulatory documents. When filling in the reason, cite "specific authority (identification of valid documented authority)."

X	X	X	X	X	
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CONTRACTOR CERTIFICATION PROCESS FOR ACCESS TO EXPORT-CONTROLLED TECHNICAL DATA

Contractor Certification Process for Access to Export-Controlled Technical Data. To get certification, US and Canadian contractors submit a completed DD Form 2345, **Militarily Critical Technical Data Agreement**, to the US and Canadian Joint Certification Office (JCO). The JCO confirms the contractor's information, signs the form, and returns it to the contractor.

A3.1. Because DoD activities mail technical data to the location shown on the form, each corporate subsidiary or division requesting technical data must submit its own form to the JCO.

A3.2. Contractors designate a data custodian for the facility, either by name or by position. This person receives and disseminates controlled (militarily critical) technical data. **NOTE:** The data custodian at a US contractor facility must be a US citizen or an intending US citizen. The data custodian at a Canadian contractor facility must be a Canadian or US citizen or a person admitted lawfully for permanent residence into Canada.

A3.3. The contractor must agree to use the data to bid or perform on a contract with a US or Canadian agency or for other legitimate business purposes such as:

- Providing or seeking to provide equipment or technology to a foreign government. **NOTE:** US or Canadian Government must approve sale or transfer before the contractor receives the information.
- Bidding or preparing to bid on surplus Government property.
- Selling or producing products for the US or Canadian commercial domestic marketplace.
- Selling or producing products for the commercial foreign marketplace. **NOTE:** The contractor must have an export license from the appropriate US or Canadian licensing authority.
- Engaging in scientific research in a professional capacity for either the DoD or the Canadian Department of National Defense.
- Acting as a subcontractor for any of the above efforts.

A3.4. Contractors agree not to publicly disclose any controlled unclassified data, unless the controlling office authorizes it, and to limit access to their employees who meet the following citizenship requirements:

- US citizens or intending citizens if the facility is located in the United States.
- Canadian or US Citizens or persons admitted lawfully for permanent residence in Canada if the facility is located in Canada.

A3.5. Certified contractors may:

- Ask for controlled unclassified technical data.
- Respond to defense-related solicitations and enter into defense-related contracts that include a requirement for controlled unclassified technical data.
- Attend restricted gatherings where controlled unclassified technical data are presented (for example: symposia, conferences, meetings that publicize advance requirements, pre-bid, pre-solicitation, and pre-award conferences).
- Visit and exchange controlled unclassified technical data with other certified US and Canadian contractors or US and Canadian military facilities.

NOTE: The contractor must send a copy of the JCO-approved DD Form 2345 along with the requests for any of the above.

A3.6. Form 2345 Review Process. The JCO reviews a DD Form 2345 within 5 working days and takes one of the following actions based on its interpretation and confirmation of the information that the contractor provides:

A3.6.1. Certifies the contractor. The JCO:

- Enters a 7-digit certification number in section 7.
- Signs the form in sections 8 and 9.
- Mails the original to the contractor's data custodian.
- Sends the certified contractor a renewal notice 120 days before the certification expires. **NOTE:** Certified contractors must submit a revised DD Form 2345 when the previous information becomes outdated (for example: changes in company ownership, company name, or data custodian). When the JCO approves the revised agreement, it initiates a new 5-year eligibility period.

A3.6.2 Returns the form for more information.

A3.6.3. Does not certify the contractor. The JCO:

- Sends a registered letter to the contractor, explaining why the certification was rejected.
- Tells the contractor how to appeal the decision.

**SAMPLE DENIAL LETTER
TO PEOPLE WHO ARE NOT CERTIFIED US CONTRACTORS**

Dear Mr Jones:

The information that you requested on (date) is subject to control under Executive Order and export-control laws. We must deny your request under 5 U.S.C. 552(b)(3) and 10 U.S.C. 130 as implemented by Department of Defense Directive 5230.25 and Air Force Instruction 61-204.

If you decide to appeal this decision, write to us within 60 calendar days from the date of this letter. Include in the appeal your reasons for reconsideration, and attach a copy of this letter. Address your letter as follows:

(address of STINFO Officer)

Private individuals or enterprises must be Department of Defense certified US contractors before they can receive controlled technical data. Additionally, the information requested must relate directly to a legitimate business purpose for which the certification is granted. I have attached an information sheet describing the process you must follow to become a certified US contractor.

Please call (name, organization, phone number) if you have questions.

Sincerely,

INFORMATION SHEET ON THE CERTIFIED US CONTRACTOR PROGRAM

A5.1. DoDD 5230.25 instituted a program to allow a private individual or business, called a certified US contractor,¹ to receive export-controlled technical data under certain conditions. One of the conditions is that the contractor must be certified in accordance with established DoD procedures. The US contractor must guarantee that:

A5.1.1. The individual who will act as recipient of the export-controlled technical data on behalf of the US contractor is a US citizen or a person admitted lawfully into the United States for permanent residence and is located in the United States.

A5.1.2. The data are needed to bid or perform on a contract with the Department of Defense or other US Government agency, or other legitimate business purposes² in which the US contractor is engaged, or plans to engage. The US contractor must describe sufficiently the purpose for which the data are needed to determine if subsequent requests for data are properly related to the business purpose.

A5.1.3. The US contractor acknowledges its responsibilities under US export-control laws and regulations (including the obligation, under certain conditions, to obtain an export license prior to the release of technical data within the United States) and agrees that it will not disseminate any export-controlled technical data in a manner that would violate applicable export-control laws and regulations.

A5.1.4. The US contractor agrees not to provide access to export-controlled technical data to people other than its employees or people acting on its behalf, without the

permission of the DoD component that provided the technical data.

A5.1.5. To the best of its knowledge and belief, the US contractor knows of no person whom it employs who is acting on its behalf, who will have access to such data, who is debarred, suspended, or otherwise ineligible from performing on US Government contracts; or has violated US export-control laws or certification previously made to the DoD.

A5.1.6. The US contractor itself is not debarred, suspended, or otherwise determined ineligible by any agency of the US Government to perform on US Government contracts, has not been convicted of export-control law violations, and has not been disqualified under the provisions of this directive.

A5.2. The Defense Logistics Services Center (DLSC) in Battle Creek MI 49016-3412, certifies certified US Contractors. Those desiring certification should submit a DD Form 2345, **Export-Controlled DoD Technical Data Agreement**, to DLSC. You may obtain forms from the Navy Publications and Forms Center, 5801 Tabor Avenue, Philadelphia PA 19120-5099. Refer questions to DLSC at 1-800-352-3572.

¹Canadian contractors may be certified in accordance with this directive for technical data that does not require a license for export to Canada under section 1225.12 of the International Traffic in Arms Regulation and sections 379.4(d) and 379.5(e) of the Export Administration regulations by submitting an equivalent certification to the DoD.

²This does not require a contract with or a grant from the US Government.

SAMPLE DENIAL LETTERS TO CERTIFIED US CONTRACTORS

A6.1. EXAMPLE 1. When the requested data are not related to the contractor's certification:

Dear Mr. Jones:

Your request of (date) for controlled, unclassified technical data is denied pursuant to Title 5 U.S.C. 552(b)(3) and Title 10 U.S.C. 130 as implemented by Department of Defense Directive 5230.25 and Air Force Instruction 61-204. We reviewed your request as a certified US contractor carefully and find that the data that you requested are not related to the purpose for which you are certified.

You may ask to be recertified by the Defense Logistics Services Center, Federal Center, Battle Creek, MI 49016-3412. If you decide to appeal this decision, write to us within 60 calendar days from the date of this letter. Include in the appeal your reasons for reconsideration, and attach a copy of this letter. Address your letter as follows:

(address of local STINFO Officer)

Please call (name, organization, phone) if you have questions.

Sincerely,

A6.2. EXAMPLE 2. When releasing the data for other than direct support of the Air Force and the release might jeopardize US technical or operational military advantages:

Dear Mr. Certified:

Your request of (date) for controlled, unclassified technical data is denied pursuant to 5 U.S.C. 552(b)(3) and 10 U.S.C. 130 as implemented by Department of Defense Directive 5230.25 and Air Force Instruction 61-204. We have reviewed your request carefully and have determined that releasing the data for other than direct support of the Air Force might jeopardize US technical or operational military advantages.

If you decide to appeal this decision, write us within 60 calendar days from the date of this letter. Include in the appeal your reasons for reconsideration, and attach a copy of this letter. Address your letter as follows:

(address of local STINFO Officer)

Please call (name, organization, phone) if you have any questions.

Sincerely,

SAMPLE FREEDOM OF INFORMATION ACT (FOIA) DENIAL LETTER

*(For requests for export-controlled technical data under FOIA
from someone other than a certified US contractor.)*

Dear Requestor:

This is in response to your Freedom of Information request of (date). The records that you request are exempt from disclosure because they contain unclassified data with military or space application for which an approval, authorization, or license would be required for its lawful export under Executive Order or export control law. Such data may be released in certain cases, however, to individuals or companies certified by the Department of Defense (DoD) as Certified US Contractors. Attached for your information is a description of this program.

The authority for this denial is in 5 U.S.C. 552(b)(3), 10 U.S.C. 130, and Air Force Instruction 61-204. The release of this information would jeopardize governmental interests in protecting technical information.

Should you decide to appeal to this decision, you must write to the Secretary of the Air Force within 60 calendar days from the date of this letter. Include in the appeal your reasons for reconsideration, and attach a copy of this letter. Address your letter as follows:

Secretary of the Air Force
THRU: (address of local FOIA office)

NOTE: If this is a partial denial, add the following in a new paragraph if you are sending or will send copies of releasable records: We are attaching the releasable portion of these records. [or] We shall send the releasable portion of these records by separate letter.

Sincerely,

NOTE: Prepare an original letter rather than a form letter or a form. Send by first class mail.

**NOTICE TO ACCOMPANY THE DISSEMINATION
OF EXPORT-CONTROLLED TECHNICAL DATA**

Export of information contained herein, which includes, in some circumstances, release to foreign nationals within the United States, without first obtaining approval or license from the Department of State for items controlled by the International Traffic in Arms Regulation (ITAR), or the Department of Commerce for items controlled by the Export Administration Regulation (EAR), may constitute a violation of law.

Under 22 U.S.C. 2778, the penalty for unlawful export of items or information controlled under the ITAR is up to 2 years imprisonment, or a fine of \$100,000, or both. Under 50 U.S.C., appendix 2410, the penalty for unlawful export of items or information controlled under the EAR is a fine of up to \$1,000,000, or five times the value of the exports, whichever is greater; or for an individual, imprisonment of up to 10 years, or a fine of up to \$250,000, or both.

In accordance with your certification that establishes you as a "certified US contractor," unauthorized dissemination of this information is prohibited and may result in disqualification as a certified US contractor, and may be used in determining your eligibility for future contracts with the Department of Defense.

The US Government assumes no liability for direct patent infringement, contributory patent infringement, or misuse of technical data.

The US Government does not warrant the adequacy, accuracy, currency, or completeness of the technical data.

The US Government assumes no liability for loss, damage, or injury resulting from manufacture or use for any purpose of any product, article, system, or material involving reliance upon any or all technical data furnished in response to the request for technical data.

If the technical data furnished by the Government will be used for commercial manufacturing or other profit potential, a license for such use may be necessary. Any payments made in support of the request for data do not include or involve any license rights.

Include a copy of this notice with any partial or complete reproduction of these data that are provided to certified US contractors

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Tab 25

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Scientific/Research and Development

***SPONSORING OR CO-SPONSORING, CONDUCTING, AND PRESENTING
DOD-RELATED SCIENTIFIC PAPERS AT UNCLASSIFIED AND CLASSIFIED
CONFERENCES, SYMPOSIA, AND OTHER SIMILAR MEETINGS***

This instruction establishes Air Force procedures for sponsoring or co-sponsoring conferences and symposia involving unclassified, classified or militarily critical unclassified Department of Defense (DoD) information. It includes procedures for Air Force participation in conferences and symposia sponsored by others. It implements DoD Directive (DoDD) 3200.12, DoD Scientific and Technical Information Program, and DoDD 200.12, *Conduct of Classified Meetings*, DoD Instruction (DoDI) 5230.27, *Presentation of DoD-Related Scientific and Technical Papers at Meetings*, and AFRPD 61-2, *Management of Scientific and Technical Information*. This instruction does not apply to in-house gatherings, to routine gatherings of US Government officials, to classes conducted by DoD schools, or to gatherings between Air Force personnel and foreign government representatives or to US or foreign government representatives on a matter related to a specific government contract, program, or project.

SUMMARY OF CHANGES

This instruction updates, clarifies, and streamlines previous guidelines.

1. Responsibilities:

1.1. Commanders and directors of Air Force activities, or their designees:

1.1.1. Sponsor or co-sponsor conferences or symposia when:

- The activity has a significant interest in the subject matter.
- It is essential to the Air Force mission.
- It does not duplicate the efforts of other Government or non-Government agencies.
- The conference is in the best interest of national security.
- Established channels of disseminating classified information (for example technical reports) will not accomplish the purposes of the conference or symposium.
- The Air Force conference security manager has developed and implemented adequate security measures and access controls.
- And the purpose is:
 - To disseminate essential research, development, test, and evaluation (RDT&E) and advance planning information promptly and widely.

- To exploit critical discoveries, innovations, and inventions.

1.1.2. Appoint conference or symposium managers to oversee the administrative and technical details and a conference or symposium security managers to oversee security details.

1.2. The Office of the Administrative Assistant to the Secretary of the Air Force (SAF/AA) approves Air Force sponsorship of all conferences or symposia that are not open to the public. This authority may not be delegated.

2. Approval and Notification Requirements for Classified Conferences and Symposia:

2.1. Get approval by sending a request to SAF/AA through the Disclosure Division, Office of the Deputy Under Secretary of the Air Force for International Affairs (SAF/IADV, 1010 Air Force Pentagon, Washington, DC 20330-1010), at least six months before the conference or symposium.

2.2. The request must contain:

- Justification for Air Force sponsorship
- Subject of the meeting and scope of classified topics, including the maximum authorized classification level
- Expected dates and location

- Identity of the Air Force sponsor
- Names and telephone numbers of the Air Force meeting and security managers
- Draft of the proposed announcement or invitation to be sent to prospective attendees or participants
- Identity of any non-government organizations involved and a full description of the type of support they are to provide
- Justification for specific exclusion of foreign nationals, with a description of the sensitive information to be presented upon which the exclusion is based

2.3. When sponsoring classified meetings conducted by a non-government organization (a firm or association), include the names and telephone numbers of the non-government meeting manager and the Air Force security point of contact.

2.4. If foreign representatives will participate in the conference or symposium, send copies of the request for approval to:

- Director, Defense Security and Programs, Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)
- Office of Information Security (HQ USAF/SPI)
- Director of the National Security Agency, Chief of Central Security Services, if the conference or symposium involves special intelligence in accordance with DoDD C-5230.23, *Intelligence Disclosure Policy (U)*.

NOTE: Approval is not needed to conduct unclassified events that are open to the public; however, all presentations must be cleared with the local public affairs office (AFPD 35-1, *Public Affairs Management*).

3. Conference or Symposium Manager:

3.1. Gets approval for classified Air Force-sponsored conferences from SAF/AA (through SAF/IADV).

NOTE: Do not publish formal notices or invitations to conferences or symposia until receiving approval. However, give advance announcement to solicit proposed presentations and establish administrative arrangements.

3.2. Decides what classified information may be presented and determines the security level of the meeting. **NOTE:** The classification level of the meeting is based not only on the level of the individual presentations but on the classification level of the presentations as a group.

3.3. Gets help from appropriate staff offices, such as protocol, security, foreign disclosure, procurement, scientific and technical information (STINFO), the Air Force Information for Industry Office (AFIFIO), and public affairs.

3.4. Distributes the announcement of a conference or symposium widely and early enough to maximize the

desired participation. Announcements of classified conferences shall:

- Be unclassified, limited to a general description of the topics expected to be presented, and include names of speakers.
- Include administrative instructions for requesting invitations or participation.
- Include security clearance and need-to-know requirements and the address to where attendees are to send them.
- Indicate the level of foreign participation permitted.

NOTE: For procurement-related conferences or symposia, particularly where individuals intend to present advance planning information, announce the conference or symposium in the *Commerce Business Daily* (CBD).

3.5. Gives other DoD and Air Force organizations participating in any similar or related RDT&E effort an opportunity to participate.

3.6. Notifies SAF/AA immediately in writing when cancelling or changing the date or location of a proposed conference or symposium.

3.7. Maintains records on attendance and total costs.

3.8. Gives appropriate representatives of allied countries an opportunity to participate in classified conferences or symposia, consistent with this regulation and national disclosure policy.

3.9. Prepares and distributes proceedings according to paragraph 11. **NOTE:** Inform the attendees how they can obtain proceedings from DTIC. If possible, obtain in advance from DTIC an accession number for the proceedings and pass it on to the attendees to assist them in ordering the proceedings.

3.10. Collects appropriate registration fees:

3.10.1. When a conference or symposium is conducted by the Air Force, charge fees only to cover the expenses for the personal benefit and subsistence of attendees (such as breakfasts, coffee breaks, lunches, and banquets).

3.10.2. When an Air Force activity uses the services of a contractor or association to conduct a conference or symposium, the company or association may recover its costs and a reasonable profit from fees paid by the attendees.

3.11. Coordinates with cognizant contracting officers or their appointed representatives to prevent the release of proprietary or source-selection information and maintain the integrity of the procurement process.

3.12. Complies with DoD 5500.7-R, *Joint Ethics Regulation*.

3.13. Complies with AFI 37-132, *Air Force Privacy Act Program*, when collecting personal information, access lists, or any other data that will be incorporated into a system of records.

NOTE: Attachment 2 gives a typical sequence of actions for arranging a conference or symposium and may be tailored for particular situations.

4. Security Manager:

4.1. Enforces requirements of AFD 16-2/AFI 16-201, *Foreign Disclosure of Classified and Unclassified Military Information to Foreign Governments and International Organizations*, AFI 61-204, *Disseminating Scientific and Technical Information*, DoD 5200.1-R/AFPD 31-4/AFI 31-401, *Information Security Program Regulation/Information Security Program/Information Security Program Management*, DoDD 5200.12, DoD 5220.22-M, *Industrial Security Manual for Safeguarding Classified Information*, DoD 5220.22-R/AFPD 31-6/AFI 31-601, *Industrial Security Regulation/Industrial Security/Industrial Security Program Management*, *International Traffic in Arms Regulation* (22 CFR 120-130), *The Arms Exports Control Act* (22 U.S.C. 2778), and this instruction.

4.2. Makes sure that the location or facility selected for classified sessions can provide the proper physical control, storage, protection, and dissemination of classified information. This normally means a facility under the security control of a US Government agency or a contractor having an appropriate facility security clearance. Do not use post or base theaters and other facilities that are normally open to uncontrolled access for classified meetings unless:

- There is no secure facility available.
- Unauthorized personnel do not have physical access and can be prevented from hearing or seeing the proceedings of the meeting.

4.3. Confirms the clearance levels and need-to-know of attendees.

4.4. Prohibits note-taking and electronic recording during classified sessions and the distribution of classified documents during the conference. (See paragraphs 3.11 and 11 regarding proceedings.)

5. Co-Sponsorship. An Air Force organization may co-sponsor a conference or symposium with a non-federal organization when all the following criteria apply:

- The subject matter of the conference (or the co-sponsored portion) is scientific, technical, or involves professional issues that are relevant to the Air Force organization's mission.
- The purpose of the co-sponsorship will transfer federally-developed technology to the private sector or stimulate wider interest and inquiry into the relevant scientific, technical, or professional issues.
 - The co-sponsoring non-federal organization is a recognized scientific, technical, or professional organization and co-sponsorship is approved by SAF/GC.
 - The Air Force organization accomplishes the co-sponsorship through a contract, grant, or cooperative agreement as identified in 31 U.S.C. 6303-6306, a cooperative research

and development agreement (CRDA) as defined in 15 U.S.C. 3710a, or a cooperative agreement or other transaction as identified in 10 U.S.C. 2371.

NOTE: When an Air Force organization co-sponsors a classified meeting with a non-federal organization or obtains administrative support from a non-federal firm or association, the Air Force organization is responsible for all security aspects of the classified meeting.

6. Administrative Support for Meetings:

6.1. When a sponsoring Air Force organization needs help in making conference arrangements, it may get support from a non-federal firm or association through a formal memorandum of agreement or contract. If the event is open to persons outside of the Federal Government, the sponsor may not limit attendance to members of the supporting non-federal firm or association.

6.2. The sponsor may allow the supporting non-federal firm or association to mention its support in conference materials but not in terms that imply that the firm or association is sponsoring or co-sponsoring the event. (For guidelines on co-sponsorship with a non-federal entity, see paragraph 5.)

6.3. In the case of a classified event, the Air Force sponsor is responsible for all security aspects and may not delegate the responsibility to the supporting non-Federal firm or association.

7. Participation in Classified Conferences or Symposia. Air Force personnel may participate in classified conferences or symposia only if they are sponsored by an Air Force organization or other DoD component. Participation means being on the formal program. This does not restrict attendance at such conferences.

8. International Competition. The DoD has reciprocal procurement memoranda of understanding and offset arrangements with many countries. Air Force organizations hosting conferences or symposia related to contract opportunities must allow representatives from these countries to participate, subject to established foreign-disclosure and national security policies.

8.1. The sponsor may not exclude nations with which DoD has cooperative agreements from classified conferences or symposia unless there are national security grounds. The exclusion must be approved by SAF/IADV at the request of the MAJCOM.

8.2. Because each foreign government's eligibility varies, the sponsor must ensure that no classified information disclosed at sessions attended by foreign representatives is above the lowest level of eligibility of the foreign attendees.

8.3. When foreign representatives cannot have full access to classified or sensitive technical information under existing policies, one option is to remove the non-releasable information and present it at US-only sessions.

9. Foreign Attendance at Classified Conferences or Symposia. An Air Force organization sponsoring or providing security sponsorship for a conference or symposium where classified material will be disclosed to foreign nationals or representatives of foreign governments must comply with the following:

9.1. When attendance at classified sessions is consistent with foreign disclosure policy, follow procedures in AFPD 16-2 and AFI 16-201 to get disclosure authorization for foreign nationals or their government representatives. Use the same procedures for unclassified sessions involving unclassified data with distribution statements B, C, D, E, F, or X of AFI 61-204 or for unclassified data, not covered by AFPD 10-11, *Operations Security*, and AFI 10-1101, *Operations Security Program*.

9.2. Foreign nationals or representatives of foreign governments may attend unclassified sessions where the information has been previously cleared for public release according to AFPD 35-1.

10. Releasing Information at an Air Force Conference or Symposia:

10.1. For contractor presentations, the originating Air Force activity's contracting officer must authorize release in advance, usually in cooperation with the program manager. If foreign representatives will attend the conference or symposium, SAF/IAD or the cognizant DoD component's foreign disclosure office must also authorize all releases.

10.2. The local foreign disclosure office must review projected briefings to determine if there is any reason to prevent full allied participation. If national disclosure policy prohibits release of specific information, the local foreign disclosure office must determine whether the information can be deleted from the presentation entirely or whether it must be presented in a separate, closed session at the conference.

10.3. Military and contractor personnel making presentations must control technical information listed on the State Department's munitions list and the Commerce Department's commodity control list. You may only disclose such information to foreign persons under State Department or Commerce Department export license or to foreign persons who have been granted prior approval by a US government department or agency. Descriptions of such technologies are in the military critical technologies list (MCTL).

11. Publishing Proceedings:

11.1. The sponsor normally publishes proceedings of an Air Force-sponsored technical or advance-planning conference or symposium as a technical report.

11.2. The sponsor may publish proceedings in any convenient format (for example, a single volume, individual volumes by technical discipline, or individual papers).

11.2.1. If the proceedings consist primarily of copies of vu-graphs, presenters must provide explanatory notes for publication. This is particularly important for proceedings for recipients who did not attend the conference or symposium.

11.3. In addition to primary distribution (direct distribution to attendees and others), the sponsor will send copies of the proceedings to the Defense Technical Information Center (DTIC), Cameron Station, Alexandria VA 22304-6145.

11.4. Process unclassified proceedings according to AFI 37-131, *The Air Force Freedom of Information Act Program*, AFPD 10-11, AFI 10-1101, AFI 61-204, and AFPD 35-1.

11.5. When possible and meaningful, publish all classified information in a document separate from the general proceedings. Before publication and release, the sponsor must:

- Review all the text to make sure it is releasable and bears appropriate security markings.
- Check that recipients have proper clearances and storage capability.
- Get foreign-disclosure approval and instructions on releasing the proceedings to foreign nationals.

CLARK G. FIESTER
The Assistant Secretary of the Air Force
for Acquisition

GLOSSARY OF REFERENCES, ABBREVIATIONS AND ACRONYMS, AND TERMS

Section A--References

DoDD 3200.12, *DoD Scientific and Technical Information Program*

DoD 5200.1-R, *Information Security Program Regulation*

DoDD 5200.12, *Conduct of Classified Meetings*

DoD 5200.2-R, *DoD Personnel Security Program*

DoD 5220.22-M, *Industrial Security Manual for Safeguarding Classified Information*

DoD 5220.22-R, *Industrial Security Regulation*

DoDD 5230.23, *Intelligence Disclosure Policy (U)*

DoDI 5230.27, *Presentation of DoD-Related Scientific and Technical Papers at Meetings*

DoD 5500.7-R, *Joint Ethics Regulation*

AFPD 10-11, *Operations Security*

AFI 10-1101, *Operations Security Program*

AFPD 16-2, *Foreign Disclosure of Classified and Unclassified Military Information to Foreign Governments and International Organizations*

AFI 16-201, *Foreign Disclosure of Classified and Unclassified Military Information to Foreign Governments and International Organizations*

AFPD 31-4, *Information Security Program*

AFI 31-401, *Information Security Program Management*

AFPD 31-6, *Industrial Security*

AFI 31-601, *Industrial Security Program Management*

AFPD 35-1, *Public Affairs Management*

AFI 37-131, *The Air Force Freedom of Information Act Program*

AFI 37-132, *Air Force Privacy Act Program*

AFPD 61-2, *Management of Scientific and Technical Information*

AFI 61-204, *Dissemination of Scientific and Technical Information*

Section B--Abbreviations and Acronyms

Abbreviations and Acronyms

Definitions

AFIFIO	Air Force Information for Industry Office
CBD	Commerce Business Daily
CRDA	Cooperative Research and Development Agreement
DTIC	Defense Technical Information Center
MCTL	Militarily Critical Technologies List
RDT&E	Research, Development, Test, and Evaluation
STINFO	Scientific and Technical Information

Section C--Terms

Conference or Symposium--Conference, seminar, symposium, exhibit, convention, or other similar gathering, conducted by a DoD component, a DoD contractor, or an association, institute, or society whose membership includes DoD or contractor personnel, at which participants disclose unclassified or classified DoD information or information of interest to the DoD.

Conference or Symposium Manager--Representative designated to plan, manage, and administer a conference or symposium that is sponsored or co-sponsored by an Air Force or DoD organization.

Contractor-Cleared Facility--A commercial or private operating organization that the Defense Investigative Service (DIS) finds eligible for access to classified information.

Co-Sponsor--The Air Force organization that endorses, participates, or provides support to other Federal or DoD agencies in conducting a conference or symposium. Air Force activities may provide security sponsorship for conferences or symposia of private associations, but may not co-sponsor conferences or symposia with private associations, unless the Air Force organization satisfies the requirements of paragraph 5.

Facility Security Clearance--Administrative finding that from a security stand point a facility is eligible for access to classified information of a certain classification and below. This does not include or imply any authorization to store classified information.

Foreign National--Any person who is not a citizen or national of, or immigrant alien to, the United States.

Foreign Representative--Either a foreign national or a representative of a foreign interest.

Government Installation--US Government facility in a fixed location where personnel can enforce adequate safeguards for classified information.

Memorandum of Understanding (MOU)--Bilateral cooperative agreement with allies and other friendly nations on reciprocal defense procurement. This agreement includes exchanging information in specified areas of mutual interest for their participation in contractual opportunities.

Representative of a Foreign Interest--A citizen or national of the United States or an immigrant alien acting as a representative, official, agent, or employee of a foreign government, firm, corporation, international organization (such as NATO), or another foreign person. Air Force personnel assigned to NATO-only positions are considered representatives of a foreign interest.

EXCEPTION: A US citizen or national appointed by his or her US employer to manage a foreign subsidiary (for example, a foreign firm in which the US firm has ownership of at least 51 percent of the voting stock) is not a representative of a foreign interest solely because of this employment. The appointing employer of the US citizen or national must be the principal employer and must possess or be in the process of obtaining a facility security clearance.

Sponsor--Air Force organization that conducts a conference or symposium and is responsible for complying with this instruction.

CHECKLIST FOR ARRANGING AN AIR FORCE CONFERENCE OR SYMPOSIUM

Steps 1, 2, 7, 8, and 9 tell how to perform the security review and clearance of papers to be presented at conferences, symposia, and seminars with DoD or Air Force sponsorship or participation, including those hosted by industry and professional and technical associations and attended by foreign representatives. These procedures pertain primarily to classified information, unclassified information related to classified programs or projects, or controlled unclassified information. At the outset, the meeting sponsor assigns responsibilities by placing checks opposite the duty or action in one of the two squares in the right-hand columns.

NO.	DUTY OR ACTION	PERFORMED BY	
		MEETING SPONSOR	SUPPORT PROVIDER
1	6 months before the meeting, submit request for approval through SAF/IADV to SAF/AA.	✓	
2	5 months before the meeting, establish the responsibilities of the host facility, the meeting manager, and the security manager. Obtain written statement from the host facility allowing use of the facility.	✓	
3	Develop agenda.		
4	Select speakers and session chairpersons.		
5	Contact speakers and session chairpersons.		
6	Confirm in writing with speakers and session chairpersons.		
7	4 months before the meeting, make invitations for papers. Include disclosure guidelines, information on anticipated foreign attendance, and instructions on obtaining disclosure authorization.		
8	3 months before the meeting, get foreign disclosure approval.		
9	Establish milestones.	✓	
10	Select classification level.	✓	
11	Prepare information for brochure, including a description of the briefing and the agenda, registration and lodging information, and addresses/phone numbers where more information may be obtained.		
12	Prepare and distribute press release.		
13	Prepare and publish Commerce Business Daily announcement.	✓	
14	Select and arrange exhibits.		
15	Identify special invitees.		
16	Provide ___ copies of the brochure to the host.		
17	Print and mail brochure to mailing list and to requesters.		
18	Receive mail requests for brochure.		
19	Set up and operate a phone hot line.		
21	Make arrangements for the auditorium, including audio-visual requirements.		
22	Arrange protocol support if attendees will include distinguished personnel.		
23	Arrange meals, coffee breaks, receptions.		
24	Receive registration forms from registrants, maintain up-to-date roster, provide weekly copy of roster to the host.		
25	Review and approve need-to-know levels of attendees.		

NO.	DUTY OR ACTION	PERFORMED BY	
		MEETING SPONSOR	SUPPORT PROVIDER
27	Arrange transportation from hotel to briefing site.		
28	Verify security clearances.		
29	Conduct rehearsals.		
30	Collect copies of briefing material and hand-outs, make sufficient copies for attendees.		
31	Collect material from speakers for inclusion in proceedings.		
32	Check out audio-visual equipment.		
33	Arrange for tables, chairs, signs for registration.		
34	Set up furniture 12 hours before briefing.		
35	Obtain on-site computer for registration.		
36	Arrange for phones for use by attendees.		
37	Arrange for message board at the briefing.		
38	Provide _____ copies of registration lists at registration.		
39	Arrange for guards (classified briefings).		
40	Provide supplies for registration: Pens UV inkpad and stamp UV light Message pads _____ _____		
41	Provide persons to assist with registration: Sponsor _____ Support Provider _____ Host _____		
42	Arrange for escorts for distinguished guests.		
43	Arrange for flags (American, Air Force, and General Officer).		
44	Arrange for parking.		
45	Prepare name signs for panel discussions.		
46	Print and duplicate up-to-date roster for and including all attendees.		
47	Provide cards for audience questions.		
48	Prepare after-action report.		
49	Prepare proceedings; send to DTIC.		

Tab 26

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**AFRLI 61-201, Research and Development (R&D) Case
Files,**

Distribution is limited. To request a copy, please
contact:

Ms.Becky Nies
AFRL/DS
1864 4th St, Ste 1
Wright-Patterson AFB, OH 45433-7131
937-656-9889 or DSN 986-9889

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Tab 27

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Headquarters
Department of the Army
Washington, DC
DD Month YYYY

*Army Regulation 70-45

Effective DD Month YYYY

SCIENTIFIC AND TECHNICAL INFORMATION RESEARCH, DEVELOPMENT AND ACQUISITION

By Order of the Secretary of the Army:

DENNIS J. REIMER
General, United States Army
Chief of Staff

Official:

JOEL B. HUDSON
Administrative Assistant to the
Secretary of the Army

Summary. This regulation establishes the Department of the Army Scientific and Technical Information (STINFO) Program, implementing DOD Directive 3200.12, pertinent provisions of Public Law 94-282 (42 USC 6602), and Public Law 96-480 (15 USC 3710). These provisions govern the handling and utilization of results derived from scientific research, development, test, evaluation and manufacturing technology.

Army Management Control Process. This regulation does not contain management control provisions.

Applicability.

a. This regulation applies to all active Army, Army National Guard and the Army Reserve organizations, including the civil work element of the Corps of Engineers, that do the following:

(1) Direct, administer, perform, and support Non-Civil Works Program research, development, manufacturing, test, and evaluation programs.

(2) Originate, collect, store, issue, and lend documented resources of scientific and technical information. Examples include technical libraries, medical research libraries, technical information centers, and technical information analysis centers in support of research, development, test, and evaluation programs. It does cover scientific and technical

information published on Compact Disk - Read Only Memory (CD-ROM) medium.

b. This regulation does not apply to—

(1) Acquisition, documentation and testing of information resources governed by the AR 25 Series Regulations.

(2) Communication and display of information relating to technical data-management programs or

(3) Electronic interchange of information which is considered to be administrative correspondence [e.g.: e-mail].

Proponent and Exception Authority. The proponent of this publication is the Assistant Secretary of the Army (Research, Development and Acquisition) (ASA(RDA)). The ASA(RDA) has the authority to approve exceptions to this publication that are consistent with controlling law and regulation. The ASA(RDA) may delegate this approval authority, in writing, to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

Supplementation. Supplementation of this regulation is prohibited unless prior approval is obtained from HQ AMC (AMCRD-IT), Alexandria, VA 22333. An example of local supplementation which would be approved are the locally-tailored scientific and technical information pamphlets.

Suggested Improvements. The proponent of this regulation is the Assistant Secretary of the Army (Research, Development and Acquisition). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH DEVELOPMENT AND ACQUISITION
ATTN: SARD-TS
103 ARMY PENTAGON
WASHINGTON DC 20310-0103

with copies to U. S. Army Materiel Command, ATTN: AMCLD-TI, 5001 Eisenhower Avenue, Alexandria, VA 22333-0001.

*This regulation supersedes AR 70-9, 1 June 1981; AR 70-11, 10 April 1986; AR 70-14, 13 November 1985; AR 70-22, 15 March 1971; AR 70-26, 15 July 1975; AR 70-31, 10 March 1986; AR 70-35, 17 June 1988; and AR 70-45, 1 February 1984 which are hereby rescinded. The forms associated with those regulations will be retained.

AR 70-45 • WORKING DRAFT

July 29, 1996

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CHAPTER 1 INTRODUCTION

1-1 PURPOSE

This regulation establishes policies and assigns responsibilities for the Army's Scientific and Technical Information (STINFO) Program and the Army Information for Industry (AIFI) Program. Included are policies and principles for--

a. Reporting research and development (R&D), technology, Army Studies, R&D Unfunded Studies, Cooperative R&D Agreements (CRDAs), Army Potential Contractor Program (APCP), Advanced Planning Briefing for Industry (APBI), Technical Objective Document (TOD), and Contracted Advisory and Assistance Services (CAAS) at the work-unit level via the Work-Unit Information Summary, DD Form 1498.

b. Originating, preparing, reviewing, marking, and disseminating technical documentation and information.

c. Use of appropriated funds to pay page charges and reprint costs for publishing open-literature material on DA-conducted or sponsored research in scientific and technical journals.

d. Army support and use of the facilities and services of the Defense Technical Information Center (DTIC).

e. Marking of technical documents, including production engineering, logistics information, materiel requirements documents, and briefings. These markings denote the extent to which documents are available for distribution, release, and dissemination without further approval or authorization.

f. Operating, using, and establishing and disestablishing Centers for Analysis of Scientific and Technical Information (hereinafter referred to as "information analysis centers"--IACs).

g. Sponsoring or cosponsoring meetings involving either unclassified or classified DOD information. For such meetings, it gives the policy for Army participation in meetings, states who may authorize attendance, and explains policy on publishing and distributing meeting proceedings. It does not apply to meetings attended only by Government or military personnel, meetings on a specific contract or project conducted by a DOD activity, or meetings conducted by a cleared contractor and attended only by cleared contractor personnel directly involved in the performance of a contract or project.

h. Industry support and use of the Technical and Industrial Liaison Office (TILO).

1-2 REFERENCES

Required and related publications and prescribed and referenced forms are listed in Appendix A.

1-3 EXPLANATION OF ABBREVIATIONS AND TERMS

Abbreviations and terms used in this regulation are explained in Appendix B.

1-4 POLICIES

a. A coordinated and comprehensive STINFO program will--

(1) Promote the advancement of science and technology.

(2) Facilitate conduct and management of research, engineering, study, and management support programs.

(3) Control unwarranted duplication of research, development, studies, and analyses.

b. The STINFO Program will provide for the interchange of STINFO within, among, and through the organizations listed below.

(1) DA components and their current and potential contractors.

(2) Federal agencies and their current and future contractors.

(3) The national and international university, not-for-profit and non-profit institutions, professional societies, business, industry, and the scientific community.

c. All completed Research, Development, Test, and Evaluation (RDT&E) efforts will be documented. All will be made available to approved recipients through DTIC. (For journal articles, see Paragraph 4-1g).

d. Uncompleted RDT&E efforts may be documented in technical reports, review articles in professional journals, or as monographs in order to enhance the dissemination of information prior to the publishing of a final report. Such intermediate documents may be entered into the DTIC repository, particularly when they contain information whose timely dissemination is desirable.

1-5 OBJECTIVES

Objectives of the STINFO Program are to increase the effectiveness of--

a. Scientific and engineering documentation.

b. Identification, evaluation, and adoption of better ways of processing, communicating, and transferring technical information. This includes increasing the effectiveness of the following--

(1) Information science, computer science, and communications science. (Computer science and communications science as used here are limited to the development of display, documentation, storage, retrieval, and delivery aspects of technical information.)

(2) Storage media. Examples include paper copy, microfilm, CD-ROM, hybrid forms (such as video), as well as digital and analog electronic media.

(3) Information processing and accessing information from both direct and remote sources.

(4) Publications, symposia, conferences, and meetings, as well as the documentation and communication of the results of such activities as proceedings, papers, reports, and monographs.

(5) Technical information needed for, or resulting from, research, development, studies, and analysis.

c. Increase the exchange of RDT&E and management data among managers, scientists, and engineers.

1-6 CONCEPT

The Army STINFO Program is accomplished by decentralized Army activities as they execute the Army's RDT&E program.

1-7 BACKGROUND

a. The Army STINFO program recognizes the impact of sharing releasable information within and between agencies and activities of the Department of Defense (DOD) and non-DOD entities. These entities include other Federal, state, academic, not-for-profit, non-profit, and commercial organizations.

b. Additionally, the Army STINFO program supports the Domestic Technology Transfer Program.

1-8 APPLICABILITY

This regulation establishes the policy for the preparation and publishing of technical reports, preparation and submission of work-unit information summaries. It also includes publication in technical and professional journals, technical meetings, and centers for analysis of scientific and technical information. It does not apply to the following:

- a. TOP SECRET documents or material.
- b. Cryptographic and communications security.
- c. Communications and electronic intelligence and other categories of a similar nature that may be designated by the Defense Intelligence Agency.
- d. Administrative papers, memoranda, and reports, and contract or grant proposals.
- e. Information furnished to the United States by foreign governments when the release of such information is restricted or otherwise controlled by international agreement.
- f. Registered documents or publications.

1-9 RESPONSIBILITIES

a. Assistant Secretary of the Army (Research, Development and Acquisition). The ASA (RDA) has Department of the Army responsibility for the Army STINFO program and delegates Army-wide management responsibility for the Program (except for the Army Civil Works program) to the Commanding General, U.S. Army Materiel Command (AMC). The ASA (RDA) has Army staff responsibility for RDA Information for industry programs and establishes policy and guidelines for release of RDA planning and budget documents that originate in the OASA(RDA).

b. Assistant Secretary of the Army (Civil Works) (ASA(CW)). The ASA (CW) has Department of the Army responsibility for the Army Civil Works program and delegates Army-wide management responsibility for the Army Civil Works Program to the Chief of Engineers.

c. Deputy Chief of Staff for Operations and Plans (DCSOPS). The DCSOPS establishes policy and guidelines for releases of materiel requirements documents that originate in the office of the DCSOPS.

d. Deputy Chief of Staff for Intelligence (DCSINT). The DCSINT serves as the final authority for determining the releasability of U.S. Classified information to foreign owned contractors. The DCSINT resolves conflicts in release determinations. As the Army Senior Intelligence Officer, the DCSINT provides guidance on, and is the final approval authority for, release of intelligence information to contractor.

e. The Chief of Engineers has the Army responsibility for the Army Civil Works program and delegates Civil Works science and technology management responsibility for the Program to the Director, Research and Development, in his office.

f. Commanding General, U. S. Army Training and Doctrine Command (CG, TRADOC). The CG, TRADOC establishes policy and guidelines for release of materiel requirements documents that originate in TRADOC.

g. Commanding General, U.S. Army Materiel Command (CG, AMC). The CG, AMC delegates management responsibility for the Army STINFO Program to the Deputy Chief of Staff for Research, Development and Engineering, AMC and the Army Information for Industry Program to the Deputy Chief of Staff for Acquisition, AMC.

h. Deputy Chief of Staff for Research, Development and Engineering (DCSRDE), U.S. Army Materiel Command. The DCSRDE, AMC, will designate an Army STINFO manager who will be the DA Executive Agent for the STINFO program. The STINFO manager will develop policy and procedures and provide implementation guidance for all aspects of the STINFO program including management of the Army's participation in the DOD Work-Unit Information System (WUIS). The latter includes--

(1) Establishing Army policy on matters pertaining to the WUIS in accordance with applicable DOD and Army regulations.

(2) Providing contractor support for the input of DD Forms 1498.

(3) Serving as the Army representative to the Defense Technical Information Center (DTIC).

(4) Chairing Army WUIS committees.

i. Deputy Chief of Staff for Acquisition, U.S. Army Materiel Command. The DCSAQ, AMC, designates an Army Information for Industry Manager (AIFIM) who will--

(1) Provide staff management for the Technical and Industrial Liaison Offices (TILOs).

(2) Provide staff management for operation of the Army Potential Contractor Program (APCP).

(3) Provide staff management for research and development (R&D) unfunded studies.

(4) Coordinate scheduling of Advanced Planning Briefings for Industry (APBIs).

(5) Provide supplemental instructions regarding these programs.

(7) Act as liaison with TRADOC regarding the draft and approved requirements documents for industry.

j. The Army Simulation Modeling Agency (ASMA), Office of the Deputy Under Secretary of the Army for

Operations Research (ODUSA(OR). The ASMA will set Army policy on the reporting of Army studies and analyses and will monitor Army compliance with reporting requirements.

k. Heads of materiel developing agencies. The heads of materiel developing agencies (materiel developers) issue supplements to this regulation, thus establishing policy and guidelines for implementation of this regulation by their agencies. The agencies will submit copies of the supplements to HQDA (SARD-TS) for approval and to CG, AMC (AMCAQ) for information. The head of each agency will establish an Information for Industry Program (IFIP) structured to meet the requirements of the agency as well as the policies and guidelines of this regulation.

l. Commanders of major Army commands. Commanders of major Army commands not covered by paragraph g above may establish an IFIP if desired; however, IFIPs so established will follow the provisions of this regulation.

m. Army commanders and directors. Army commanders and directors of laboratories, centers, and studies and analysis activities will appoint local STINFO managers and WUIS focal points at separate geographic locations. Appointments will be in writing and submitted to the DA Executive Agent.

n. Local STINFO Managers. The local STINFO managers are responsible for—

(1) Overseeing the STINFO program and ensuring that all aspects of the program are properly implemented.

(2) Issuing local written guidance, such as pamphlets and handouts.

(3) Providing training and indoctrination to program participants.

(4) Developing standing operating procedures (SOPs) and controls to ensure that DTIC databases (WUIS, Technical Reports, and Independent Research and Development—IR&D) are searched prior to initiating or making significant changes to R&D and technology efforts, and Army studies and analyses. Other sources of information concerning ongoing research, such as appropriate commercial databases, should be used as well.

(5) Establishing SOPs for the efficient primary distribution of technical reports generated by activities under their control, including contractors and grantees.

(6) Establishing SOPs to ensure that all reports are marked for distribution to prevent unauthorized disclosure. (Distribution statements are described in Chapter 6.) Destruction instructions should also be marked on the report so that when the report is no longer needed, it can be properly destroyed.

(7) Cooperating with DTIC for DTIC secondary distribution.

(8) Ensuring that two copies of each technical report (or journal article) are forwarded by the sponsoring Army activity to DTIC concurrently with primary distribution (Paragraph 3-4d). (For journal articles, see Paragraph 4-1g).

(9) Establishing responsibility for controlling security and distribution statements in cases of jointly sponsored efforts.

(10) Informing DTIC of changes in status of security or distribution of reports.

(11) Referring all requests for technical information in document form that are received directly from, or on behalf of, foreign nationals/governments/contractors (other than those that are processed through contracting-officer channels) to HQDA (DAMI-POC) through command foreign-disclosure channels enclosing copies of the documents requested and including a suitable detailed recommendation for either releasing or withholding the documents. If the documents in question are classified, recommendations must be consistent with policies in AR 380-10 governing such disclosures.

(12) Reporting on STINFO program when necessary.

o. Local WUIS Focal Points. The focal points will ensure that the following are accomplished:

(1) Establishing and maintaining up-to-date SOPs for the preparation and submission of DD Forms 1498.

(2) Ensuring accurate, complete, and timely submission of DD Forms 1498 describing ongoing work according to the standards set by this regulation.

(3) Reviewing and approving all exceptions to literature searches and DD Form 1498 submissions.

(4) Ensuring complete reporting. Included will be ongoing audits and inspections as appropriate.

CHAPTER 2

Work-Unit Information Summaries

2-1. POLICY

a. Literature Search for the Work-Unit Information Summaries.

(1) To minimize uncoordinated duplication of effort and identify relevant supporting information for the Work-Unit Information Summaries, the responsible organization will ensure that a literature search of the DTIC databases (cf., Paragraph 2-2a), appropriate commercial databases, and the open literature will be conducted prior to (but within one year of)—

(a) Initiating any in-house effort.

(b) Arranging for work to be performed by other government agencies (OGA).

(c) Requesting contractual services (except in the case of a Broad Agency Announcement (BAA), where literature searches will be performed to support the decision to award an Army contract resulting from a proposal submitted in response to the BAA).

(d) Making significant changes to on-going efforts.

(e) Submitting topics for the Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) Pilot Program solicitations.

(f) Confirming the unique and innovative nature of unsolicited proposals.

(2) One literature search may be conducted for a work-unit effort (including a work-unit effort that comprises more than

one performance method) provided the search items (i.e., key words, key phrases) are comprehensive and applicable.

(3) Literature Search Exceptions. A literature search is not required for work-unit efforts involving--

- (a) Supplies or equipment
- (b) Routine data collection.
- (c) Data analysis.
- (d) Equipment installation.
- (e) Programming or computational support.
- (f) Maintenance & support services.
- (g) Efforts involving routine engineering.
- (h) Conferences and symposia.
- (i) Strategic intelligence data analysis.
- (j) Training.

b. Definition of what is to be reported. The size and depth of the effort reported on a single DD Form 1498 will be determined by technical considerations, not by funding level or personnel requirements. A DD Form 1498 will be prepared for--

(1) Each technically distinct in-house and extramural research and technology effort. This is regardless of program, program category, or appropriation, that is performed by an Army activity. These include uniquely numbered contracts--including Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) Pilot Program--or grants awarded for the performance of R&D and technology, UFSs, and CRDAs. Some large contracts and grants may need to be subdivided among several Work-Unit Information Summaries when the tasks are technically distinct.

(2) Army studies and analyses.

(3) All contracts, grants, cooperative agreements, or "other transactions"--including those for services, supplies, or equipment--for U.S. academic institutions, to satisfy the requirement for the Department of Defense to input to the Committee on Academic Science and Engineering (CASE) reporting system.

(4) When an effort comprises more than one performance method, (in-house, contract, grant, or other government agency), a separate DD Form 1498 must be prepared for each.

c. A DD Form 1498 is not required for--

- (1) Supplies or equipment used in R&D work (except in the case of an academic institution).
- (2) Routine data collection.
- (3) Data analysis.
- (4) Equipment installation.
- (5) Programming or computational support.
- (6) Maintenance and support services.
- (7) Routine engineering.
- (8) Efforts involving strategic intelligence data analysis, wherein the sharing of such information could compromise the national defense.
- (9) Conferences and symposia.
- (10) Training.

d. Security level and distribution authorization. In order to maximize the sharing of information about on-going

Army-supported work, DD Forms 1498 will be prepared to permit access and use by the DOD contractor community as much as possible. To accomplish this objective, distribution statements C and D (see section 6-3) will be used to the maximum extent possible and every attempt will be made to keep the information contained in a record unclassified. Records that contain planned expenditures or levels of planned obligations will not be released outside DOD.

e. Updating. Submit updates to DD Forms 1498 when a significant change occurs, or upon completion or termination of the work-unit effort. Document technical progress and major milestone events.

f. Closing Out. Submit a DD Form 1498 upon completion of a work-unit effort. Upon completion of every work-unit effort, a final report will be prepared in accordance with Chapter 3 of this regulation. If a technical report is not written for the work accomplished, explain why on the DD Form 1498.

2-2. RESPONSIBILITIES

a. The need and extent of the literature search for the DD Form 1498 is the responsibility of director of the laboratory, center, or study and analysis activity. The research leader must exercise good scientific and technical judgment of the need for and extent of the literature search. The Contracting Officer's Technical Representative (or principal investigator) normally is responsible for submitting the DD Form 1498. The following are exceptions to this general rule:

(1) DOD agencies who transfer funds to a non-DOD government agency, or otherwise sponsor non-DOD government agency work are responsible for filing all DD Forms 1498 associated with the work.

(2) DOD agencies who receive funds from another DOD agency or who otherwise conduct work for another DOD agency are responsible for filing all DD Forms 1498 associated with the work.

b. Literature searches for the DD Form 1498 can be conducted via DTIC's Defense RDT&E On-Line System (DROLS). DROLS comprises the WUIS, technical-report, and IR&D databases. Projects involving the technical areas of manpower and personnel, education and training, simulation and training devices, and human factors engineering should have the specialized DTIC database MATRIS searched. The complete literature search and analysis will be retained in the active work unit file for the life of the project, and after completion, in the historical file. The historical file should be retired and/or destroyed in accordance with AR 25-400-2, the Modern Army Recordkeeping System (MARKS).

c. Reporting policy.

(1) Efforts will be reported within 30 working days after the local action has occurred. Local actions include--

(a) Acceptance of approval to initiate, change, complete, or terminate an in-house effort.

(b) Award of a contract or grant, or a change or supplement to an existing contract or grant that affects the

description of work, level of funding, identity of a principal investigator, or duration of the effort.

(c) Transfer of funds to a DOD or non-DOD government agency (i.e., Military Interdepartmental Purchase Request (MIPR)).

(d) Changes to, completion of, or termination of any effort.

(2) The information in each DD Form 1498 will be reviewed, revised, and updated for submission at least once a year to report progress until completion of the project.

(3) For Army studies and analyses efforts, a DD Form 1498 will be entered into the system with all known information prior to the award of a contract.

d. Reporting the DD Form 1498.

(1) Unclassified efforts can be entered into the DTIC DROLS. Those organizations that do not have access to DTIC DROLS will mail their work units to the Defense Technical Information Center, ATTN: DTIC-OCF, 8725 John Kingman Rd, STE 0944, Ft. Belvoir, VA 22060-6218 in hardcopy form for input by DTIC personnel.

(2) Classified efforts (confidential and secret) can be entered into the DTIC DROLS via a classified/dedicated terminal at the site of the originator. Those organizations that do not have access to classified/dedicated terminals will mail their classified work units directly to the Defense Technical Information Center, ATTN: DTIC-OCF, 8725 John Kingman Rd, STE 0944, Ft. Belvoir, VA 22060-6218 in hardcopy form for input by DTIC personnel.

(3) Logistics efforts: If the study topic is logistics, copies of the DD Form 1498 will be mailed to the Defense Logistics Studies Information Exchange (DLSIE), U.S. Army Logistics Management Center, Fort Lee, VA 23801. This is in addition to the submission to DTIC.

(4) Final Reports: A final report will be prepared for each work effort.

e. For those efforts determined to be exempt from reporting requirements, a nonapplicability statement will be documented and retained in the file for the effort.

CHAPTER 3. TECHNICAL REPORTS

3-1 SCOPE

This regulation covers formal documentation of the objectives, approach, and results (both intermediate and final) of Army-sponsored RDTE. Formal documentation is the permanent record of a technical effort: it forms the basis for a tangible end product. Specifically excluded are the following:

a. Preliminary informal results of studies that require dissemination for immediate action.

b. Reports prepared to convey fiscal, administrative, or other nontechnical information.

c. Progress or letter reports prepared by contractors or grantees primarily to indicate, for administrative purposes, the status of R&D efforts.

d. Technical reports prepared primarily to satisfy requests from organizations outside the Department of Defense (DOD) and that essentially duplicate the primary official Government document.

3-2 OBJECTIVES

The objectives of this chapter are to--

a. Attain and maintain quality and effectiveness of the results of Army RDTE by establishing and maintaining standards for technical reporting.

b. Provide a medium for completing the efforts of RDTE to--

(1) Enable review of technology, reference to technology, and transfer of technology.

(2) Maximize the flow of technical information and minimize uncoordinated duplication of effort.

3-3 POLICY

a. All completed RDT&E efforts sponsored by DA will be promptly documented. This documentation is the responsibility of director of the laboratory, center, or study and analysis activity. The technical report is the principal document produced as a result of a completed scientific or technical effort.

b. Proceedings of Army-sponsored technical meetings, conferences, symposia, and monographs written under DA sponsorship will be considered technical reports for the purposes of this regulation. All must be submitted to DTIC within 10 work days from the date of publication (or date received from the printer).

c. The laboratory notebook is the permanent record of the status, progress, and results of the professional work of the laboratory employee. The technical library of the laboratory, center, or study and analysis activity will set up requisition, issuance, and storage procedures for all laboratory notebooks. AR 27-60, Intellectual Property, regulates laboratory notebooks maintenance and AR 25-400-2, The Modern Army Recordkeeping System (MARKS), defines disposition procedures.

d. Distribution statements will be placed on all technical reports published by Army activities, other government agencies for work sponsored by the Army, and Army contractors--see Chapter 6.

e. DA encourages and endorses publishing in recognized professional journals. Publication in the professional journals will satisfy the Army reporting requirements set forth in this chapter if the additional requirements described in Chapter 4 are also satisfied.

f. The technical report for any Army-sponsored R&D effort must be submitted to DTIC within 6 months of the completion of any work that can be reported as a technical achievement. Technical reports may encompass one or more work units. In the interest of referring to related material, the

work-unit information summaries associated with this report should be annotated on the Report Documentation Page (see paragraph 3-4a) rather than in the report itself.

3-4 RESPONSIBILITIES

a. The background, objectives, methodology, and results of technical efforts having valid scientific merit will be documented as soon as practicable; these documents must adequately represent the subject at the time of publication; and internal and/or external reviews are to be instituted for each report. (These responsibilities apply despite the presence or absence of approval signatures in the report.) Release authority will be verified for sensitive documents. The release authority is the responsibility of director of the laboratory, center, or study and analysis activity. A Standard Form 298, Report Documentation Page, will be completed and included in technical reports prepared by or for DA.

b. The performing organization will develop primary distribution lists for appropriate subject categories and update these lists at least yearly. Organizations will maintain records of their primary distribution in order to advise direct recipients in cases where report classifications are changed.

c. Technical reports will be distributed within security and legal constraints to—

(1) Fulfill the DA policy of making the maximum amount of information available to the public.

(2) Promote domestic technology transfer.

d. Primary distribution will be made to the sponsoring office, to DTIC, and to others on the formal distribution list. Technical information reports classified higher than Secret, and those dealing with electronic communication, telemetry, intelligence, and communications security, will be sent directly to the sponsoring office and to the National Security Agency Reference Center for Scientific and Technical Information.

e. DTIC will perform the following:

(1) Provide secondary distribution.

(2) Announce and distribute all classified and unclassified reports (Confidential and Secret, not associated with special access requirements).

(3) Forward all unclassified unlimited reports to the National Technical Information Service (NTIS) for distribution to the general public.

f. Contracting officers will take the necessary actions to have technical reporting requirements incorporated in the contract by means of DD Form 1423 (Contract Data Requirements List).

g. Security requirements. DA policy for safeguarding defense information, including information exempt from release under the Freedom of Information Act, will apply to the preparation, classification, dissemination, and protection of technical reports. (See AR 25-55 and AR 380-5 for guidance.)

h. Disposition instructions. All technical reports, training manuals, and new equipment products must contain

dissemination and destruction instructions. (Chapter 6 and AR 25-400-2.)

(1) Unclassified unlimited reports. These reports will contain the statement:

"Destroy this when no longer needed. Do not return it to the originator."

(2) Classified reports. When a classified technical report is no longer needed, destroy the report according to AR 380-5. Army contractors will destroy the report per the Industrial Security Manual, DOD 5200.22-M: National Industrial Security Program Operations Manual (NISPOM), Section 5-705. All others will return the report to the Army sponsoring agency.

i. Copyright material. A copyright is an exclusive property right granted by the Government to authors or proprietors for protection of their literary and other intellectual product. Copyrighted material may be incorporated into a publication prepared by or for DA only with the written consent of the copyright owner or upon approval of the Secretary of the Army, The Judge Advocate General (TJAG), or the TJAG designee. (See AR 25-30 for guidance.)

j. Rights in technical data. Claims by a contractor to limited rights in technical data (on items, components, or processes developed at private expense) in a technical report will be governed by the terms of the contract.

k. Patents. In-house unclassified reports that contain patentable subject matter will be referred immediately to patent personnel. Patent personnel will evaluate these reports to determine whether prompt filing of a patent application is warranted. These unclassified reports will not be distributed outside the U.S. Government. They will be marked with a distribution statement per Paragraph 6-3; Distribution Statement A will not be used.

(1) When a patent application covering the subject matter in the report has been filed with the Patent and Trademark Office, Distribution Statement A may be used if appropriate. Recipients of the report will be informed of any changes to the distribution statement.

(2) Contractor invention disclosures should be handled according to the Contract Clauses prescribed by FAR 27.303.

l. Trade names and manufacturers. Technical reports will not contain material that implies that the Government endorses or favors a project or service manufactured or provided by a specific supplier. The use of a trade name or product name may be necessary for better understanding; for example, the technical report invokes the evaluation of a commercially available product. If so, the report should contain a statement saying that the citation of trade or manufacturers' names does not constitute an endorsement by DA.

m. Disclaimer statements are not to be placed in a technical report that relates to the report's technical content.

n. Caveats. Caveats that may be required to qualify the contents of a technical report will identify:

- (1) The nature of the caveat.
- (2) The specific portions qualified.
- (3) The degree of qualification.
- (4) The reasons.

o. Distribution of technical reports.

(1) Policy for distribution. The Army sponsoring agency will determine the primary distribution list and any limitations on subsequent distribution of technical report prepared by or for that agency. The sponsoring agency will make primary distribution or may require contractors to do so.

(2) Responsibilities for distribution. When technical reports are sent to DTIC, the sponsoring agency will be responsible for executing the DTIC form 50 (DTIC Accession Notice) and SF 298, and forwarding it with 2 copies of each report, including classification and distribution instructions, to DTIC. Subsequently, DTIC forwards unclassified and unlimited distribution technical reports to the NTIS for sale to the general public. DTIC distributes limited distribution reports according to the limitations imposed by the sponsoring agency. When limitations on release to the general public are no longer required, the sponsoring agency will inform DTIC and other recipients on the primary distribution list.

p. Reports from foreign sources. Any Army agency that has agreements to receive technical reports from governmental components of the United Kingdom, Canada, or Australia will ensure that copies of the technical reports are sent to DTIC with clear statements on limitations of distribution, if any, imposed by the originating country.

CHAPTER 4

PUBLICATION AND REPRINTS OF ARTICLES IN SCIENTIFIC AND TECHNICAL JOURNALS

4-1. POLICIES.

a. It is Army policy to encourage Army scientific and technical personnel to publish research results in recognized journals. Such publication is an important part of the Army's R&D program.

b. Publication of scientific and technical accomplishments in professional journals may be used to satisfy the requirements for scientific and technical reporting in Chapter 3 if the work reported was sponsored by 6.1 or 6.2 funds. Authors select the journal and comply with the journal's publication procedures and schedules.

c. Army personnel may acquire reprints of their own scientific and technical articles for distribution.

d. Costs incurred in publishing scientific results in professional journals are considered a necessary part of research. Payment of these costs, including early payment which is required by some journals, is subject to the conditions in Paragraph 4-2.

e. Before an article is submitted for publication in a professional journal, it must be identified as official or unofficial. The technical management of the author's activity will review and validate the technical content of the article, approve the article for publication, and verify that--

(1) The article's dissemination will enhance Army-related R&D programs.

(2) Defense security requirements including the provisions of AR 530-1 are satisfied.

(3) The release is in accordance with AR 360-5, Chapter 4.

(4) The publisher is informed that official material is "Not subject to copyright law."

f. Authors may accept payment for articles that are determined to be unofficial, but may not accept payment for official material.

g. In the case of official material, authors will submit two copies of the article to DTIC along with a completed SF 298. When the material is unofficial and published in a copyrighted journal, authors will simply forward the completed SF 298 to DTIC. The form will refer interested parties to the journal by citing the issue and page numbers.

4-2. PAGE CHARGES.

If page charges are incurred, project or other fund sources may be used if all the following conditions are met:

a. The charge made by the journal meets established policy applied to all contributors and does not discriminate against the Government.

b. The cost of publication is not entirely borne by the Government and publication is not exclusively for the Government.

c. The article is concise and must be published in a reasonable page space according to accepted journalism practice. (DA Pam 310-20 and the Government Printing Office Style Manual provide valuable guidance on style practice and current usage.)

d. Any illustrations, figures, graphs, or tables featured in the article are simple. (ANSI/NISO Z39.18-1995 may be used for guidance.)

e. The article is submitted to the publisher through official Army channels and meets requirements for the release of technical information.

f. Billing charges from journals for published articles must contain a statement similar to the following:

For services performed in the review, editing, and publication of information on results of research performed by Department of Army personnel.

4-3. ACQUISITION OF REPRINTS.

Reprints of official material may be acquired from the original publisher on a reimbursable basis using their customer funds.

4-4. ADDITIONAL REQUIREMENTS

a. One copy of each paper planned for publication will be submitted to the project officer or program manager simultaneously with its submission for publication.

b. After publication, copies of published papers will be submitted to the project officer or program manager designated by the sponsor, and

c. The following caveat will appear on all journal literature releases of the manuscript:

Opinions, interpretations, conclusions, and recommendations are those of the author and are not necessarily endorsed by the U.S. Army.

d. Before publication in a journal, technical reports generated from R&D sponsored by other than Program 6.1 or 6.2 funds will be reviewed and approved by the Army sponsor according to Army information-release policies and procedures. (See AR 360-5 for policies and procedures on review, clearance, and release of public information.) Further, certain unclassified technical information may be withheld from public disclosure if it may jeopardize an important U.S. technological or operational advantage. The provisions of this restriction are mandated by DOD Directive 5230.25.

e. All manuscripts funded or supported by DA that are to be submitted by Army employees, military personnel, contractors, or grantees for publication in scientific journals must carry an acknowledgment such as:

The research described herein was sponsored by (name of sponsoring organization), Department of the Army Grant or Contract No. ().

f. Army policy allows the publication and public presentation of unclassified contracted fundamental research results. The mechanism for control of information generated by Army-funded contracted fundamental research in science, technology, and engineering performed under contract or grant at colleges, universities, and non-government laboratories is security classification. No other type of control is authorized unless required by law.

CHAPTER 5. DISSEMINATION OF SCIENTIFIC AND TECHNICAL INFORMATION

5-1 OBJECTIVES.

Army RDT&E activities are to cooperate with and support DTIC to the maximum extent possible. DTIC's mission is to provide timely, effective, and efficient bibliographic processing, announcement, and secondary distribution of DOD-generated or -sponsored technical reports and documents as permitted by security and other recognized controlling statements. DTIC's objectives are—

a. Active and continuing acquisition of all technical reports pertinent to the RDT&E efforts of DOD.

b. Prompt and properly-indexed announcements of newly acquired technical reports.

c. Timely responses to requests for technical reports and other documentation services.

d. Rapid notification of the availability of technical reports to Information Analysis Centers.

e. Increased effectiveness of information flow with other U.S. Government agencies through cooperatively developed standards and improved methods for report dissemination.

f. High standards for processing and distributing technical reports.

5-2 DISTRIBUTION STATEMENTS, OTHER MARKINGS, AND SPECIAL HANDLING.

a. Chapter 6 prescribes the use of distribution statements and other markings on all documents/reports containing technical information, to include those bearing a security classification per AR 380-5. Secondary distribution by DTIC is governed exclusively by such statements/markings, either singly or in tandem. Except for reports marked for special access, DTIC recognizes only those distribution statements authorized in Chapter 6.

b. Technical reports marked for special handling are excluded from routine provisions for distribution statements. Such documents may be supplied to DTIC if dissemination is not forbidden; however, their processing, announcement, and all distribution will be controlled by separate and special arrangements made between DTIC and the controlling DA office acting under authority of applicable Army regulations.

CHAPTER 6. DISTRIBUTION STATEMENTS AND OTHER MARKINGS

6-1 APPLICABILITY AND SCOPE.

a. This chapter applies to—

(1) All newly created technical documents generated by or related to Army RDT&E programs. It also applies to engineering drawings, standards, specifications, technical manuals, blueprints, drawings, plans, instructions, computer software and documentation, briefings, materiel requirements documents, and other information that can be used or adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any Army equipment or technology concerning such equipment.

(2) Unclassified technical data and information, under Army control that may have military application and that may not be exported lawfully without an approval authorization.

(3) Budget and planning information.

b. This chapter does not apply to technical documents categorized as cryptographic and communications security, communications and electronic intelligence, and other categories that may be designated by the Director. National

Security Agency/Chief, Central Security Service. Nor does it apply to RESTRICTED DATA and FORMERLY RESTRICTED DATA.

6-2 RESPONSIBILITIES.

a. All Army activities generating or otherwise responsible for technical documents have the responsibility to determine their distribution availability and mark them appropriately before primary distribution, whether formal or informal.

b. Distribution statements are mandatory for all technical documents, including working papers, memoranda, and preliminary reports if those documents are not already in the public domain and if they are likely to be disseminated outside the Army.

c. Managers of technical programs are responsible for assigning an appropriate distribution statement to each document generated within their programs.

d. All unclassified Army technical documents will be assigned distribution statements A, B, C, D, E, F, or X (see Paragraph 6-3 for a list of the distribution statements).

e. All classified Army technical documents will be assigned distribution statements B, C, D, E, or F when there is need to restrict dissemination beyond the limits provided by application of security clearance and "need-to-know" controls. The distribution statement which are assigned to a classified document will be retained on the document after its declassification. Classified documents that are declassified and that have no distribution statement assigned will be handled as distribution F until changed by the controlling Army office.

f. Scientific and technical documents that include contractor-imposed limited rights will be marked and controlled in accordance with the procedures in DOD FAR Supplements 227.71 and 227.72.

g. For each newly generated technical document, managers of technical programs will be responsible for determining whether the document contains export-controlled technical data. Documents that contain such data will be marked with the following statement in addition to one of the distribution statements listed in Paragraph 6-3:

WARNING—This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C., Sec 2751, et seq.) or the Export Administrative Act of 1979, as amended, (Title 50, U.S.C. App. 2401, et seq.). Violators of these export laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DOD Directive 5230.25.

h. Technical documents in preliminary or working-draft form will not be disseminated without proper security classification review and assignment of a distribution statement.

i. Distribution statements will remain in effect until changed or removed by the controlling Army office. Each

controlling Army office is responsible for establishing and maintaining a formal procedure for reviewing technical documents for which it is responsible in order to increase their availability when conditions permit.

j. It is Army policy to maximize the exchange of scientific and technical information with the industrial community. Accordingly, when distribution statements B, E, and F are used, the author or sponsor is responsible for preparing a written justification for the report not being accessible by the industrial community.

6-3 POLICY ON DISTRIBUTION STATEMENTS.

The following is a summary of the policy on distribution statements. Complete information may be found in DOD Directive 5230.24.

A Approved for public release; distribution unlimited.

B Distribution authorized to U.S. Government agencies only (reason)(date of determination). Other requests for this document shall be referred to (controlling Army office).

C Distribution authorized to U.S. Government agencies and their contractors (reason) (date of determination). Other requests for this document shall be referred to (controlling Army office).

D Distribution authorized to the Department of Defense and U.S. DOD contractors only (reason) (date of determination). Other requests for this document shall be referred to (controlling Army office).

E Distribution authorized to DOD components only (reason)(date of determination). Other requests for this document shall be referred to (controlling Army office).

F Further dissemination only as directed by (controlling Army office) only (date of determination) or higher DOD authority.

X Distribution authorized to U.S. Government agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with DOD Directive 5230.25. (date of determination). Army office is (insert).

CHAPTER 7. CENTERS FOR ANALYSIS OF SCIENTIFIC AND TECHNICAL INFORMATION

7-1 SCOPE

a. Information analyses centers (IACs) included within this regulation may be located at—

(1) Department of the Army installations, laboratories, or activities.

- (2) Contractor installations.
- (3) Universities or colleges.
- (4) Nonprofit institutions.
- (5) Other Government installations.

b. Subject matter covered by an IAC falls into either of the following two categories:

(1) Discipline-oriented. The subject area will be all or a clearly defined part of a recognized scientific or engineering discipline that has its own literature or professional traditions.

(2) Mission-oriented. The subject area will be a specific weapons system or military activity of special interest to the Department of the Army and therefore an area that requires an interdisciplinary approach.

c. No specific size is required in order to qualify as an IAC. Units performing the essential functions of an IAC may range from the part-time service of a single individual up to the full- and part-time services of several hundred individuals.

7-2 FUNCTION

a. The input to the IACs comprises the world's scientific and technical results drawn from published literature, unpublished documents, meetings or symposia, personal visits, or from any other sources or media available, both foreign and domestic. An aggressive information acquisition program is a necessary prerequisite for the establishment of an IAC. IACs do not seek to replicate existing collections; rather IACs establish links to access and use information relevant to their mission and scope. Data are forms of information in this context.

b. The IACs analyze technical information using staff experts. In addition to a staff that is technically trained in the field of specialization and in information processing, a distinguishing characteristic of an IAC is in the use of laboratory personnel working in the area of specialization as consultants. This requires day-to-day contact between these IAC specialists and significant R&D activities in their field.

c. The IACs evaluate and condense technical information. The critical process of evaluation involves expert judgement of new information through analysis, comparison, and appraisal relative to information previously acquired. Information is condensed, summarized, and retained. Information is stored so that it can be presented in a form to meet user requirements ranging from highly condensed information for management to detailed information for bench scientists and engineers. This entails a continuous refinement of indexing and retrieval methods.

d. The IACs provide individual user services. Foremost, the IAC answers questions. Communications can consist of specific items of evaluated data or information, current summaries of technical trends, comprehensive state-of-the-art analysis, and specialized advisory services. The IAC also provides services relating to identification and filling of gaps in information and to preparation of vocabularies for their area of specialization.

7-3 POLICY

a. DOD policies for IACs are described in DOD 3200.12-R-2. The Department of the Army endorses the concept of IACs.

b. IACs supported by the Department of the Army provide service to the entire DOD community, where appropriate. Further, some Department of the Army IACs provide services to other Federal agencies and their contractors.

c. IACs are usually associated with technical organizations engaged in RDT&E efforts.

d. Classified information will be disseminated and safeguarded in accordance with AR 380-5 and AR 380-10. Limitations for release of documents, as set forth in this regulation, will be similarly observed with respect to release of information extracted from all documents bearing a release limitation.

7-4 RESPONSIBILITIES

a. Each IAC is, as a minimum requirement, responsible for--

(1) Acquiring and storing, under bibliographical control, the available world's literature in its subject area of technical specialization.

(2) Acquiring and storing, under bibliographical control, the available unpublished reports, memoranda, and miscellaneous documents related to technical aspects of its subject area of specialization.

(3) Developing and maintaining reasonable and periodic contact, through personal visits or correspondence, with senior investigators or practitioners engaged in technical work related to its specialized subject areas.

(4) Participating in and/or planning major technical conferences or symposia in the IAC's subject area of technical specialization.

b. Each IAC is responsible for performing the following operations:

(1) Identify, collect, and retain those documents and other source material that provide useful additions to the knowledge or understanding of the center's subject area of technical specialization.

(2) Abstract and/or extract from each document retained or each source of knowledge (letter, phone call) which provides information concerning a significant technical event relating to the center's subject area.

(3) Prepare critical reviews of monographs, or equivalent publications on the state-of-the-art in selected segments of the center's subject area.

c. Each IAC is, as a minimum requirement and within the limits of security and the need to know, responsible for--

(1) Distributing, periodically, a list of new and significant publications in its subject area, complete with abstract or extract, and reflecting an evaluation of the published work.

(2) Answering inquiries for information from qualified persons in the Army or, in some instances of wider assignment, from any qualified person.

(3) Providing for visits to the center by qualified persons seeking information.

(4) Preparing and/or distributing state-of-the-art reports, monographs, or equivalent publications on selected segments of the center's subject area.

d. Each IAC is responsible for the distribution to the DTIC of all formally issued documents, other than correspondence in response to inquiries.

e. Each IAC is responsible for observing prescribed security policy for the handling of classified documents. No restrictions are placed upon receipt of material of any classification or designated special categories, provided that the center has personnel qualified to receive the material and has established appropriate security safeguards.

f. Information analysis centers will not provide secondary distribution of Army generated reports; this is a mission of DTIC.

7-5 ESTABLISHMENT AND DISESTABLISHMENT OF INFORMATION ANALYSIS CENTERS

As mission priorities are changed, the need for IACs also change. Information analysis centers may be created or eliminated. DOD policies for establishment or disestablishment are described in DOD 3200.12-R-2.

a. The Army activity responsible for sponsoring the IAC will notify the Deputy Assistant Secretary of the Army for Research and Technology of the intent to establish or disestablish the information analysis center at least six months before the proposed date of establishment or disestablishment.

b. The Deputy Assistant Secretary of the Army for Research and Technology must approve the establishment or disestablishment of an Army-sponsored information analysis center at least four months before the proposed date of establishment or disestablishment.

c. In a disestablishment concurrent with the above information, the Chief of the center will be notified to inventory the IAC's document collection including those prepared by the IAC. This includes, in particular, all holdings not subject to accessioning by DTIC and those not yet accessioned by DTIC.

d. At least 90 days prior to disestablishment, the Deputy Assistant Secretary of the Army for Research and Technology and DTIC will be responsible for the examination, on-site, of the IAC's non-DTIC holdings and the disposition determinations for those holdings.

CHAPTER 8 SPONSORING OR COSPONSORING AND CONDUCTING CLASSIFIED AND UNCLASSIFIED MEETINGS

8-1 POLICY

Army activities sponsor or cosponsor meetings when essential information must be disseminated promptly and

widely or when it is in the interest of the Army to exploit critical discoveries and innovations. Sponsoring or cosponsoring meetings involving either unclassified or classified DOD information is governed. For such meetings, this section gives policy for Army participation in meetings, states who may authorize attendance, and explains policy on publishing and distributing meeting proceedings. It does not apply to meetings attended only by Government or military personnel, meetings on a specific contract or project conducted by a DOD activity, or meetings conducted by a cleared contractor and attended only by cleared contractor personnel directly involved in the performance of a contract or project. Any scientific or technical meeting must be in conformance to Executive Order 12024, and implementing GSA and DoD Regulations for Federal Advisory Committees. Proceedings of Army-sponsored technical meetings will be considered technical reports for the purposes of this regulation, and must be submitted to DTIC within 10 work days from the date of publication (or date received from the printer).

8-2. CRITERIA FOR SPONSORSHIP

a. The Army sponsor of the meeting must ensure that the objectives must meet one of the following criteria:

(1) Be clearly and exclusively for RDT&E objectives.

(2) Support Army requirements.

(3) Be required to disseminate information rapidly about significant discoveries or break-throughs in the state of the art when other methods of dissemination are too slow.

(4) Support the dissemination of advanced planning and/or releasable budget information to the industrial community.

(5) Meeting announcements are sufficiently distributed and timely to allow the desired participation and to satisfy any Congressional requirements. (The Commerce Business Daily must be used to announce all procurement-related conferences such as Advanced Planning Briefings for Industry.)

(6) Attendees must have proper security clearances (for classified meetings) and appropriate need-to-know (for meetings involving limited-distribution information). Need-to-know may be demonstrated by evidence of a current DOD contract, registration as a DOD Potential Contractor, related IR&D, or a demonstrated R&D capability.

(7) Proceedings are to be distributed as follows:

(a) When possible, publish classified information in a separate document from the general proceedings.

(b) Review all text for releasability and for accuracy of security marking before release.

b. For classified meetings—

(1) The classified meeting (or classified portions thereof) is in the best interest of national security.

(2) Adequate security measures and access procedures must be implemented.

(3) The location or facility selected for classified sessions must allow for proper physical control, storage, protection, and dissemination of classified information.

(4) Criteria (1) through (3) above are met before making a public announcement of a classified meeting.

(5) All presentations and/or papers (classified or not) are reviewed as a unit to determine the overall classification level of the meeting.

c. Sponsoring or cosponsoring a meeting should be a formal function of the Army activity with primary responsibility for the subject or field to be covered by the meeting. Papers or presentations from other organizations who are participating in similar or related RDT&E efforts are to be considered for inclusion.

d. Foreign representatives from countries with which DOD has memoranda of understanding and offset arrangements must be afforded an opportunity to compete on a fair and equal basis with U.S. industrial sources for DOD acquisitions, subject to laws, AR 25-30 and any other applicable regulation. They must have access to information required for such participation. Army meeting sponsors must allow representatives of these countries to participate, to the greatest extent possible under established foreign-disclosure and technology-transfer policies, in meetings directly or indirectly related to contract opportunities.

e. Attendance at meetings where classified information is disclosed must be limited to those persons who possess the necessary personal security clearance and whose need-to-know has been positively confirmed.

f. Routine, recurring, and in-house meetings conducted by Army organizations or DOD contractors related to internal operational matters, precontract negotiations, or existing contracts do not require security sponsorship unless they involve foreign participation.

g. A classified conference with foreign attendance requires submission of a message through channels to HQDA DAMI-POC. This message identifies the particulars of the conference and constitutes a formal request for approval to hold a classified conference and must be sent at least 120 days prior to the conference date. No invitations may be extended to the foreign community until DA approval is obtained. Unclassified conferences do not require DA approval; DA should however be notified. The local commander may approve conferences open to the public dealing with releasable public domain material. Foreign nationals desiring to attend an Army sponsored conference should submit a visit request through their respective embassy to DA for approval. Contact the local foreign disclosure office for guidance and assistance whenever planning for a conference. Additional references: AR 380-5 and AR 380-10.

Chapter 9 INFORMATION FOR INDUSTRY

9-1. SCOPE

This regulation is to promote access to releasable defense technical, planning, requirements, budget, and acquisition

information to current and potential defense contractors. It establishes responsibilities and policy guidelines for the RDA Information for Industry Program.

9-2. FUNCTIONS AND RESPONSIBILITIES OF THE TECHNICAL AND INDUSTRIAL LIAISON OFFICE (TILO)

a. TILOs may be established at major Army commands, major subordinate commands, centers, field units, and research, development, and engineering centers (RDEC) or by program managers. They serve as the primary points of contact with industry representatives for release of information and guidance on the organization's RDA program. The TILOs support the Army Potential Contractor Program (APCP), the Advanced Planning Briefing for Industry (APBI), R&D unfunded studies, and unsolicited proposals. Each TILO is managed by an Industrial Liaison Officer (ILO) designated by the head of the organization. The ILO will have sufficient technical expertise to represent his or her organization. Qualifications include the ability to review the capabilities and interests of visitors, to describe relevant Army interests and needs, and to advise visitors on doing business with the Army. The organization will provide the ILO with adequate resources and accessible space to serve the requirements of industrial visitors in a professional manner. The head of the organization will inform the Army information for Industry Manager (AIFIM) of the name and location of the ILO. The AIFIM will, in turn, provide policy and guidance on operating the TILO.

b. The ILO is responsible for--

(1) Providing information and guidance on industry participation in RDA programs sponsored by the organization.

(2) Discussing RDA projects and concepts and/or arranging appointments with other knowledgeable individuals and organizations as appropriate.

(3) Disseminating releasable technical, planning, requirements, budget, acquisition, organizational, and operational information in accordance with guidelines issued by originating agencies. The ILO may represent the organization with appropriate technical/professional societies and associations.

c. TILOs may provide unclassified, unrestricted RDA planning information to any qualified individual or organization. Release of unclassified planning information to foreign-owned businesses will be approved through established foreign-disclosure channels. The ILO will be responsible for annotating such documents to indicate that they are being furnished for planning purposes only, and that providing them does not imply a request by the government for industry-sponsored research and development or a desire for submission of specific hardware or study proposals. Further, the ILO will furnish visitors with a statement that the recipient is being furnished documents for internal use only, and should make no secondary distribution unless authorized to do so by the headquarters of the leasing facility. The ILO

retains responsibility for approving the release of information.

d. A qualified individual with a security clearance and need-to-know can review classified research and development planning information at the TILO. The ILO will release classified notes or documents only to the security office of a cleared facility with appropriate storage capability, transmitting the materials through U.S. Postal Service mail channels in accordance with AR 380-5, Chapter 8. In rare cases when properly justified, an officially designated courier may be used. Visits by foreign visitors or by U.S. citizens representing foreign companies will be governed by AR 380-10 and will be coordinated through DCSINT.

e. The command, RDEC or laboratory will clearly identify the TILO on organization charts and literature provided to the public.

9-3. FUNCTIONS AND RESPONSIBILITIES OF THE ARMY POTENTIAL CONTRACTOR PROGRAM (APCP)

a. The APCP is to certify the need-to-know of approved U.S. non-Government organizations that the Army determines to have potential for participation in Army RDA programs as contractor under the APCP, such potential contractors have access to scientific, technical, and planning information from the TILOs and the Defense Technical Information Center (DTIC); in fact, one step in the APCP registration is the simultaneous sponsorship of organizations for scientific and technical services with DTIC. The purpose of the APCP is to support organizations in developing technical competence and concepts for meeting Army materiel requirements. The program provides valuable support to current contractors who may be between contracts and to newly formed companies.

b. The APCP is managed by the Army Information for Industry Manager (AIFIM), who is responsible for providing guidance to implementing organizations and for monitoring compliance with that guidance.

c. The APCP may be implemented by heads of major Army commands, major subordinate commands, centers, field units, and RDECs that have RDA programs. The head of each participating organization will designate an APCP officer, who will be responsible for all APCP actions by the organization, and will submit the name of the APCP officer to the AIFIM.

d. All individuals responsible for the administration of APCP will exercise vigilance to ensure that the program is not used to provide unwarranted access to controlled information. In particular, the following constraints will be observed:

(1) Personnel selected to certify potential U.S. contractors will have the technical competence and familiarity with contractor or grantee programs necessary to judge the subject fields of interest to the applicant. The APCP manager is usually the ILO; however, this is not required.

(2) Certification of potential U.S. contractors will be in accordance with Registration Guide to the Defense Technical Information Center (DTIC) - 1995, which describes the execution of DD Form 1540 (Registration for Scientific and Technical Information Services). This form documents the registrants fields of interest and registers the potential contractor with DTIC. Finally, and in accordance with AR 380-49, the APCP manager will be responsible for the preparation of a DD Form 254 (Contract Security Classification Specification) as part of the APCP registration when the contractor is expected to receive classified information. The AIFIM will be responsible for providing a detailed letter of instruction on this certification process in order to support program consistency.

(3) The APCP manager will not allow certification of a potential contractor for subject fields of interest outside the mission area or the certifying organization or outside the area of competence demonstrated by the applicant. Certification will be based upon third-party confirmation of company fields of interest. To obtain this information, the APCP manager will contact U.S. Government personnel who know the company. If this is not possible, the APCP manager may base a subcontracting history, IR&D technical plans, and so forth.

(4) Intelligence material will not be released to firms on the basis of their APCP registration. Such material may be released only to companies having an Army contract in support of a national security mission, appropriate clearance, and established need-to-know in accordance with DCID No. 1/7, 12 Apr 95, Security Controls on the Dissemination of Intelligence Information.

(5) A potential contractor will be certified for a limited time period deemed adequate for a contractor competent in the field of interest to acquire a contract with a DOD agency. In no case may the certification period exceed three years, but certification may be renewed through reapplication.

(6) The APCP manager will notify the AIFIM of all certifications of potential U.S. contractors and any changes in certification status. This will be done by providing copies of DD Form 1540 and related correspondence submitted to DTIC.

(7) Foreign-owned contractors will not be certified. Instead, each request for access to Army facilities will be considered on a case-by-case basis through established foreign-disclosure channels.

9-4. FUNCTIONS AND RESPONSIBILITIES OF THE RESEARCH AND DEVELOPMENT UNFUNDED STUDIES PROGRAM

a. Industrial, scientific, educational, and other organizations may conduct studies or projects pertaining to Army materiel requirements. These studies could be of greater mutual value if conducted with access to DOD scientific, technical, and planning information and consultation with Army personnel.

b. On request by an organization that is not foreign owned, controlled or influenced (FOCI) and is capable of performing R&D in areas of interest to the Army, wishing to conduct a R&D unfunded study at its own expense, a materiel developing agency may assist by making available for limited consultation Army personnel and agencies the organization needs to accomplish a meaningful study. In this connection, the developing agency will sponsor the study organization for access to classified and unclassified scientific and technical information through the APCP, subject to the constraints specified in Paragraph 9-3a.

c. The Army coordinator (usually the ILO) will advise the study organization that the Army will not use an unfunded study to limit competition among sources in any subsequent procurement in the same subject area and will not give a study organization preferred status in any such procurement. The Army coordinator will also advise the study organization that it cannot recover costs of unfunded studies through overhead or general and administrative charges on Federal contracts.

d. Developing agencies will, in their assigned areas, furnish written instructions and guidance to potential study organizations and approve study requests. The agencies will determine validity of requests for studies within their cognizance and, in coordination with other interested agencies and commands, will evaluate the anticipated returns to DA. In determining whether a study is justified, the evaluator should consider such factors as competency of the organization in the proposed study, value to the Army, and level and type of support requested.

e. Information that will assist in conducting the study, such as DA R&D plans and requirements, may be released to qualified organizations through interviews, briefings, and distribution of written documents or correspondence. This release will be subject to security restrictions and need-to-know, and relevant restrictions on the release of scientific, technical, and computer related data.

f. The sponsoring agency will be responsible for certifying the study organizations need-to-know on visit requests to other agencies and commands on an individual basis. Normally, a study organization will address a visit request to the agency head or commander concerned, stating the purpose of the visit, subject areas to be discussed, and specific information requested. Study organizations should refer to DOD 5220.22-M, Chapter 6, for additional information.

g. The sponsoring agency will be responsible for ensuring that study reports are properly distributed and reviewed; giving appropriate recognition, such as a letter of appreciation, to the organization concerned; and taking follow-up actions from the report as appropriate. The study coordinator will inform the AIFIM of all unfunded studies (by copy of the Memorandum of Understanding and scope of work).

h. The study organization will not consider as proprietary the data that the Government supplies either directly or indirectly under this program.

9-5. FUNCTIONS AND RESPONSIBILITIES OF THE COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS (CRDAs) PROGRAM

a. Another source of industry support and assistance is the CRDA. CRDAs are legal documents in which industry, academia and the Army agree to work on a project of mutual interest and for a finite duration. The resulting intellectual property is shared jointly. Industry and academia are free to exploit results of this collaboration for all commercial uses, and the Army reserves license to use the technology for its own purposes. Both partners can contribute personnel, services, facilities, equipment, and other property to the effort; however, only the nonfederal partner is allowed to contribute funding. The advantage of this arrangement is the CRDAs are much easier to implement than funded contracts because no transfer of funds to the nonfederal partner is involved, even though the Government can commit funds to the effort through acquisition of facilities and property. This allows easy access to Army resources that can be used to enhance a technology and bring it to market, while avoiding the long lead times nominally found in the typical Government contracting process.

b. CRDAs are a part of the Army Domestic Technology Transfer Program (DTT). Each Army Laboratory and RDEC has an Office of Research and Technology Applications (ORTA), which actively seeks out technology transfer opportunities within its organization. As the focal point for technology transfer activities, ORTA personnel act as brokers, developing and promoting partnerships through outreach programs and facilitating effective technology directly with the ORTA to match industry, academic and Army partners to further DTT efforts.

9-6. FUNCTIONS AND RESPONSIBILITIES OF THE ADVANCED PLANNING BRIEFING FOR INDUSTRY (APBI) PROGRAM

a. APBIs are formal classified or unclassified presentations to persons outside the U.S. Government describing mid- and long-range RDA plans and programs related to future Army materiel requirements. APBIs are designed to provide current, factual, and definitive information to further the mutually profitable exchange of information with industrial, research, or educational organizations.

b. APBIs may be initiated by any Army command: RDEC; laboratory; or agency. Coordination is required with CG, AMC (ATTN: AMCAQ-B-TILO), to avoid scheduling conflicts and to assist the AMC publication of a consolidated briefing schedule.

c. An APBI may be conducted jointly by the Army developing agency initiating the briefing (the "sponsoring agency") and the Training and Doctrine Command

(TRADOC). Other agencies within the DOD may also take part. Defense-oriented professional societies and trade associations may provide administrative support to APBIs under the control of the sponsoring agency. The sponsoring Army agency will give all Army components with related missions the opportunity to contribute to or participate in any APBI.

d. Briefings should be a clear, concise presentation of Army needs and the scientific and technological advances required to meet future Army requirements at the least cost and in the most efficient manner. To this end, the briefings should be directed to the long-range planners and research and development personnel rather than to administrative or sales personnel.

e. In addition to the technical presentations, each APBI will include briefings, as appropriate, on the following topics: Manpower and Personnel Integration (MANPRINT), Integrated Logistics support (ILS), and the Army Information for Industry Program.

f. Attendance by foreign nationals will be governed by AR 380-10 and coordinated through DCSINT. The APBI sponsor will notify U.S. attendees and speakers in writing when foreign nationals will attend. The notification will include the requirement that all presentations, whether oral, visual, or documentary, be cleared and authorized for disclosure to these foreign nationals by an agency head to whom this authority has been delegated.

g. The sponsoring agency is responsible for following prescribed policies to confirm clearance and need-to-know of participating personnel or organization representatives attending the briefing, issuing invitations, ensuring security of the briefing site, and following other administrative procedures as established by DODD 5200.12 and AR 380-5.

h. The sponsoring agency is responsible for the technical accuracy, policy, and security classification of all briefing materials. Any briefing material that must be approved by another Army agency for dissemination outside DOD will be submitted to that agency for review at least 60 days before the briefing date. Sponsoring agencies are responsible for reviewing cost and production figures to be released in APBIs. Proprietary information will be excluded from all presentations.

i. To provide adequate depth of industry briefings, there will be three levels of APBIs given to industry at various times during the acquisition cycle. These briefings will provide information ranging from a broad command or laboratory overview of long-term programs and efforts to more focused presentations of near-term efforts and requirements. Within each materiel development agency or laboratory every RDA project with industry interest will be covered by an APBI at least every three years. "Industry interests" includes both potential for industry involvement in the project or industry utilization of the project output.

(1) Level I APBI. The level I APBI is a command, RDEC or laboratory-wide briefing which provides industry with an overview of projected R&D and acquisition planning

extending from the current year and projected for 3 to 5 years in the future. Level I APBIs may focus industry and academic interest in the Domestic Technology Transfer (DTT) Program rather than contracting.

(2) Level II APBI. Level II APBIs are follow-on briefings to the level I and are devoted to specific areas of technology and research. Level II APBIs are technical in nature and are conducted, as appropriate, to focus on new areas of technology and procurement. Level II APBIs can also be used to present technologies that the command, RDEC or laboratory has an interest in and is looking for cooperative R&D partners.

(3) Level III APBI. Level III APBIs are presolicitation conferences. Federal Acquisition Regulation (FAR) 15.404 addresses specific information about a projected Request for Proposal (RFP) and industry comments to the Draft RFP. A level III APBI may be conducted with the release of the Draft RFP as determined by the command, RDEC or laboratory.

j. APBI sponsors should make provision for industry response. This can be done by providing time for company presentations to a Government-only audience, which permits company proprietary information to be discussed.

k. To promote the transfer of information, APBI sponsors will be responsible for providing unclassified proceedings directly to attendees not later than 45 days after the APBI. Sponsors may provide copies to non-attendees if security and need-to-know considerations are met. An up-to-date Technical Objective Document (TOD) may be provided in lieu of or in addition to the proceedings. Sponsors of Army APBIs will submit proceedings to DTIC.

9-7. FUNCTIONS AND RESPONSIBILITIES OF THE TECHNICAL OBJECTIVE DOCUMENT (TOD) PROGRAM

a. Each Army laboratory and RDEC may annually prepare a TOD based upon Army needs in present and projected systems. TODs are intended to present a positive image of the preparing organization and its planned program to the external community, both Government and non-Government. TODs are used to stimulate Government and non-Government organizations, academic, scientific, and industrial, to participate in Army research and development. To this end, the preparer lists scientific and technical objectives toward which these external organizations can direct their research. TODs also provide relevant planning information for RDA programs. Organizations can use the TODs to focus and improve the technical quality and relevance of unsolicited proposals and independent research and development, and increase technology integration within the Army R&D community. Finally, TODs are intended to encourage technical discussion between non-Government scientists and engineers and their Army counterparts.

b. TODs will be distributed to a wide audience through direct mailings (developed in part by Commerce Business Daily announcements) as a handout in support of APBIs, by

the TILOs, and by DTIC and the National Technical Information Service (NTIS).

c. TODs will ordinarily be limited to a nominal 50 pages and must be organized into the following structure.

(1) Notice, Introduction.

(2) Management Overview.

(a) Mission. This section is a brief statement of the organization's purpose and objectives. The mission constitutes the basis for the existence of the organizations.

(b) Investment Strategy. This section describes the organization's goals and the plans for achieving them. It should discuss the major thrusts and the impact/payoff to the Army, and should describe the major technological deficiencies and how overcoming them would provide new or improved Army capabilities.

(c) Directors Assessment. This "State of the Laboratory/Center" summarizes progress and accomplishments. It may also address manpower and facilities. A discussion of missed opportunities would be appropriate.

(d) Research Programs. This summary or the Laboratory's/Centers 6.1 program should be limited to a brief discussion of the major thrusts and a statement of how the program is integrated with and supports the total program.

(e) Technology Programs. Each discrete technology area that supports the subject area of the TOD is described separately, including the following elements: state-of-the-art, goals and objectives, limiting technical factors, anticipated payoff, and milestones.

**Appendix A
References****Section 1
Required Publications****AR 5-5**

Army Studies and Analyses

AR 25-400-2

The Modern Army Recordkeeping System (MARKS)

AR 27-60

Intellectual Property

AR 70-21

Certification & Registration for Access to DOD Scientific & Technical Information

AR 380-5

Department of the Army Information Security Program

AR 380-10

Technology Transfer, Disclosure of Information, and Contacts with Foreign Representatives

AR 381-1

Security Controls on the Dissemination of Intelligence Information

AR 380-49

Industrial Security Program

AR 530-1

Operations Security

DODD 2040.2

International Transfers of Technology, Goods, Services, and Munitions

DODD 3200.12

DOD Scientific & Technical Information Program

DOD 3200.12-R-1

Research & Technology Work-Unit Information System Regulation

DOD 3200.12-R-2

Centers of Analysis of Scientific & Technical Information Regulation

DOD 3200.12-M-1

Research & Technology Work-Unit Information System Manual

DODD 4205.2

Acquiring and Managing Contracted Advisory and Assistance Services (CAAS)

DODD 5200.12

Conduct of Classified Meetings

DODD 5210.2

Access to and Dissemination of Restricted Data

DOD 5220.22-R

Industrial Security Regulation for Safeguarding Classified Information

DOD 5220.22-M

National Industrial Security Program Operating Manual (NISPOM)

DODD 5230.9

Clearance of DOD Information for Public Release

DODD 5230.11

Disclosure of Classified Military Information to Foreign Governments and Int'l Organizations

DODI 5230.18

DOD Foreign Disclosure and Technical Information System (FORDTIS)

DODI 5230.20

Visits and Assignments of Foreign Representatives

DODI 5230.22

Control of Dissemination of Intelligence Information

DODD 5230.24

Distribution Statements on Technical Documents

DODD 5230.25

Withholding of Unclassified Technical Data from Public Disclosure

DODD 5230.25-PH

Control of Unclassified Technical Data with Military or Space Application.

DODD 5230.27

Presentation of DOD-Related Scientific and Technical Papers at Meetings

DODD 5400.7

Freedom of Information Act Program

DODI 5400.10

OSD Implementation of DOD Freedom of Information Act Program.

ANSI/NISO Z39.18-1995

Scientific and Technical Reports: Elements, Organization and Design (American National Standards Institute)

DTIC/TR-87/17

Information Analysis Centers of the DOD

Section II**Related Publications**

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation.

AR 1-210

Participation in Activities of Private Associations

AR 25-55

Freedom of Information Act

AR 70-1

Systems Acquisition Policy and Procedures

AR 70-57

Military-Civilian Technology Transfer

AR 70-74

Independent Research and Development

AR 360-5

Public Information

DA PAM 5-5

Guidance for Army Study Sponsors, Sponsor's Study Directors, Study Advisory Groups, and Contracting Officer Representatives

DA PAM 310-20

Action Officer's Guide to Administrative Publications

DCID No. 1/7

Security Controls on the Dissemination of Intelligence Information

DOD 3200.12-R-4

Domestic Technology Transfer Program Regulation

DODI 3204.1

Independent Research and Development

DODD 8320.1

DOD Data Administration

DODD 8320.1-M

DOD Data Administration Procedures

DODD 8320.1-M-1

DOD Data Elements standardization Procedures

DOD 5200.28-M

ADP Security Manual

Section III**Prescribed Forms****DD Form 254**

Contract Security Classification Specification

DD Form 1423

Contract Data Requirements List

DD Form 1498

Work-Unit Information Summary

DD Form 1540

Registration for Scientific and Technical Information Services

Standard Form 298

Report Documentation Page

Appendix B
Glossary**Section I**
Abbreviations**APBI**

Advanced Planning Briefing for Industry

AIFI

Army Information for Industry

AIFIM

Army Information for Industry Manager

AMC

Army Materiel Command

APCP

Army Potential Contractor Program

ASA (RDA)

Assistant Secretary of the Army (Research, Development and Acquisition)

ASMA

Army Simulation Modeling Office

BAA

Broad Agency Announcement

CG

Commanding General

CG, AMC

Commanding General, U.S. Army Materiel Command

CG, TRADOC

Commanding General, U. S. Army Training and Doctrine Command

CRDA

Cooperative Research & Development Agreement

DA

Department of the Army

COMINT

Communications Intelligence

COMSEC

Communications Security

DCSAQ, AMC

Deputy Chief of Staff for Acquisition, U.S. Army Materiel Command

DCSINT

Deputy Chief of Staff for Intelligence

DCSOPS

Deputy Chief of Staff for Operations and Plans

DCSRDE, AMC

Deputy Chief of Staff for Research, Development and Engineering, U.S. Army Materiel Command

DLSIE

Defense Logistics Studies Information Exchange

DROLS

Defense RDT&E On-line System

DTIC

Defense Technical Information Center

DOD

Department of Defense

DTT

Domestic Technology Transfer

ELINT

Electronic Intelligence

FACA

Public Law 92-463, the Federal Advisory Committee Act

FAR

Federal Acquisition Regulation

FOCI

foreign owned, controlled or influenced

HQDA

Headquarters, Department of the Army

IAC

Information Analysis Center

IFIP

Information for Industry Program

IR&D

Independent Research and Development

ILO

Industrial liaison officer

ILS

Integrated Logistics support

MANPRINT

Manpower and Personnel Integration

NTIS

National Technical Information Service

ORTA

Office Of Research and Technology Applications

ODUSA(OR)

Office of the Deputy Under Secretary of the Army
(Operations Research)

OGA

Other Government Agency

RFP

Request for Proposal

R&D

Research and Development

RDA

Research, Development and Acquisition

RDT&E

Research, Development, Test, and Evaluation

STINFO

Scientific and Technical Information

TJAG

The Judge Advocate General

TILO

Technical and Industrial Liaison Office

TOD

Technical Objective Document

UFS

Unfunded Study, Research & Development

WUIS

Work-Unit Information Summary

Section II

Terrus

Analysis

The term "analysis" means the qualified and/or quantified evaluation of information requiring technical knowledge and judgment

Center for Analysis of Scientific and Technical Information

A center exclusively concerned with review or analysis of scientific or engineering data will be considered an information analysis center. Such centers are distinguished from documentation centers and libraries, since their functions are primarily concerned with the handling of documents rather than the technical information contained in the documents.

Contracted Fundamental Research

Includes grants and contracts that are (a) funded by budget Category 6.1 ("Research"), whether performed by universities or industry or (b) funded by budget Category 6.2 ("Exploratory Development") and performed on-campus at a university.

Data

Any representation such as characters or analog quantities to which meaning may be assigned. Data is a form of information and may be expressed in digital, graphic, or symbolic form.

Development Test

The engineering test that provides data on safety, the achievability of critical system technical characteristics, refinement and ruggedization of hardware configurations, and determination of technical risks.

Document

Any recorded information or data regardless of its physical form or characteristics including, but not restricted to, the following:

- a. Written or printed material (whether handwritten, printed, or typed).
- b. Data-processing cards, tapes, or disks.
- c. Maps, charts, photographs, negatives, moving or still films, film strips, video recordings, or compact disks.
- d. Paintings, drawings, engravings, or sketches.
- e. Sound or voice recordings
- f. Reproductions of the foregoing by any means or process.
- g. Training manuals, new equipment products, and other training publications.
- h. Briefing documents.

Field Test

The test, under realistic combat conditions, of the system for use in combat by representative military users.

Focal point, WUIS

The individual responsible for ensuring compliance with WUIS reporting requirements.

Information

The meaning assigned to data, or a description of, extension of, or elaboration on data. Throughout this regulation the term "information" means scientific and technical information, i.e. the meaning assigned to knowledge expressed in verbal or nonverbal symbols.

Inputter

An individual who enters DD Form 1498 data into the WUIS database by any approved method.

Need-to-know

The demonstration by an industrial, scientific, technical, or educational organization of acceptable evidence of an existing research and development capability, or of a firm and feasible intent to expand the capability. The organization must also possess, or be eligible for, individual and facility security clearance(s) of a classification level consistent with the specific information to be released.

Official material

Articles in which the Government has a proprietary interest and that were prepared at the direction of the author's supervisor or as part of the author's official duties.

Open literature

Published manuscripts and articles cleared or released for public use.

Operational control

The exercise of executive authority and responsibility for the performance of mission tasks assigned, including the responsibility for ensuring appropriate coordination and application of technical guidance.

Page charges

Cost of reviewing, editing, publishing, and dissemination of information through a professional journal.

Primary distribution

The initial distribution of technical documents to a distribution list of recipients under the auspices of the sponsoring DA activity (even when performed by a contractor, grantee, publisher, or other agent designated by the sponsoring DA activity). It does not include movement of reports within an activity or movement between contractor and sponsoring DA activity.

Research and development unfunded study (R&D UFS)

Study of a research and development problem or requirement initiated and conducted by a qualified organization at not direct cost to the Government, but with the approval and support of the U.S. Army.

Routine engineering

Engineering, mathematical, or design calculations or analysis of a routine, repetitive, non-original/non-innovative nature, that could be classified as supporting in nature.

Information

Communicable knowledge or information resulting from, or pertaining to, the conduct and management of research and engineering efforts. Scientific and technical information is used by administrators, managers, scientists, and engineers engaged in scientific and technical efforts and is the basic intellectual resource for, and result of, such efforts.

Scientific and technical personnel

Anyone who is trained or working in the area of physical, life, mathematical, computer, environmental, behavioral, or social sciences or engineering.

Secondary distribution

Any distribution including loan or disclosure of a technical report subsequent to the primary distribution. This is usually as the result of a request, and usually the responsibility of a repository such as DTIC.

Sponsoring Department of the Army Activity

Any DA activity or office that is directly responsible for funding or supervising an Army RDT&E program whether performed in house or by a contract, grant, or study agreement.

Study

Any organized, in-depth, analytical assessment to understand complex issues, improve the quality and timeliness of Army policy development or decision making, provide new insights into, alternative solutions to, or recommendations on, Army issues through the application of scientific methods.

Technical document

Any document, as described above, that contains technical information or technical data.

Technical information

Information, including scientific information, that relates to research, development, engineering, test, evaluation, production, operation, use, and maintenance of munitions and other military supplies and equipment.

Unofficial material

Manuscripts prepared by the Department of the Army civilian or military personnel as private individuals on off-duty time and in which the Government has no proprietary interest. Such articles are unofficial even if the authors were permitted and encouraged by official supervisors to write them, and the articles concern work done as part of Army R&D activities.

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Tab 28

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DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON, DC 20350-1000

SECNAVINST 3900.43B
ONR 36
26 February 2002

SECNAV INSTRUCTION 3900.43B

From: Secretary of the Navy

Subj: POLICY AND ASSIGNMENT OF RESPONSIBILITIES FOR THE
SCIENTIFIC AND TECHNICAL INFORMATION PROGRAM (STIP)

Ref: (a) Department of Defense Directive 3200.12 of 11 Feb 98
(NOTAL)
(b) Department of Defense Instruction 3200.14 of
13 May 97 (NOTAL) (Note: Administrative Reissuance
incorporating through Change 3, 28 Jun 01)

1. Purpose. To implement, establish policy, and assign responsibility for the Department of the Navy (DON) Scientific and Technical Information Program, under references (a) and (b). It is a complete revision and should be read in its entirety.

2. Cancellation. SECNAVINST 3900.43A.

3. Scope. This instruction is applicable to all commands and activities within DON responsible for the management, administration, and execution of DON activities supporting STIP.

4. Definition. Scientific and Technical Information (STI) is the communicable knowledge or information resulting from or about the conduct and management of scientific and engineering efforts.

5. Policy. It is DON policy that a variety of information-support efforts to identify and promote awareness of STI generated by DON research, development, test and evaluation activities promotes an environment of timely and cost-effective management, facilitates the elimination of unnecessary duplication of effort, and advances naval, Department of Defense, and national efforts. These activities shall be carried out per references (a) and (b).

26 February 2002

6. Responsibilities

a. The Chief of Naval Research (CNR) is responsible for representing and managing the DON Scientific and Technical Information Program. The CNR shall name a senior science and technology information program manager to represent the DON.

b. The Heads of the DON components shall implement this instruction and the policy and principles in references (a) and (b). That includes responsibility to:

(1) Establish, operate, and administer STIP functions and activities required for the conduct of their missions.

(2) Provide programming, budgeting, funding, and other fiscal support for their STIP activities.

7. Action. Responsible entities shall take the necessary steps to implement DON STIP as outlined in this instruction.

Gordon R. England
Secretary of the Navy

Distribution:

SNDL A2A	(Department of the Navy Staff Offices) (Chief of Naval Research, only)
A3	(Chief of Naval Operations) (N811, only)
26F3	(Operational Test and Evaluation Force)
41A	(Commander Military Sealift Command)
C80H	(Air Warfare Center Weapons Division Detachments) (Yorktown, only)
C84A	(Surface Warfare Center Division Detachments) (White Sands and Yorktown, only)
E3A	(Laboratory, Research)
E3B	(Research Office)
FA27	(Weapons Station, LANT)
FB14	(Weapons Station, PAC)
FB44	(Missile Range Facility)
FD1	(Meteorology and Oceanography Command)
FF5	(Safety Center)
FF6	(Observatory, Naval)
FF38	(Academy, Naval)
FF42	(Postgraduate School)
SNDL FF44	(War College)

26 February 2002

FH5	(Laboratory, Medical)
FH6	(Medical Research Center)
FH8	(Medical Research Unit)
FH18	(Operational Medicine Institute)
FH20	(Health Research Center)
FH22	(Dental Research Institute)
FKA1A	(Air Systems Command)
FKA1B	(Space and Naval Warfare Systems Command)
FKA1C	(Facilities Engineering Command)
FKA1F	(Supply Systems Command)
FKA1G	(Sea Systems Command)
FKA8F	(Strategic Systems Programs)
FKM21	(Clothing and Textile Research Facility)
FKP1E	(Undersea Warfare Center and Divisions)
FKP4	(Surface Warfare Center)
FKP4A	(Coastal Systems Station Dahlgren Division)
FKP4B	(Combat Direction Systems Activity)
FKP4E	(Surface Warfare Center Divisions)
FKP4G	(Ship Systems Engineering Station)
FKP5	(Seasparrow Project Support Office)
FKP6	(Experimental Diving Unit)
FKR6A	(Air Warfare Center Aircraft and Training Systems Division)
FKR6B	(Air Warfare Center Weapons Division)
FKR7A	(Air Engineering Station)
FN1	(Space Command)
FN2	(Satellite Operations Center)
FS1	(Intelligence)
FT1	(Education and Training, Chief of)
FT51	(Mine Warfare Training Center)
FT78	(Education and Training Professional Development and Technology Center)
V12	(Combat Development Command, Marine Corps)
V28	(Systems Command, Marine Corps)

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DEPARTMENT OF THE NAVY
OFFICE OF NAVAL RESEARCH
800 NORTH QUINCY STREET
ARLINGTON, VA 22217-5660

IN REPLY REFER TO
ONRINST 3900.36
36

1 August 1994

ONR INSTRUCTION 3900.36

From: Chief of Naval Research

Subj: NAVY SCIENTIFIC AND TECHNICAL INFORMATION PROGRAM (STIP)

Ref: (a) SECNAVINST 3900.43A
(b) DoD Directive 3200.12 of 15 Feb 83
(c) DoD Regulation 3200.12-R-1 of Aug 83, Research and Technology Work Unit Information System Regulation
(d) DoD Regulation 3200.12-M-1 of Aug 84, Research and Technology Work Unit Information System Manual
(e) SECNAVINST 3900.29C

Encl: (1) Guidelist for Management Controls

1. Purpose. To implement references (a) and (b) and further define management responsibilities within the Department of the Navy (DON) for implementation of the Department of Defense (DoD) STIP.

2. Applicability and Scope. This instruction applies to all DON research, development, test, and evaluation organizations as identified in reference (a) for the purpose of STIP.

3. Selected Definitions

a. Document. Any recorded information regardless of its medium, physical form, or characteristics.

b. Technical Document. Any document that presents Scientific and Technical Information (STI).

c. Technical Report. Any preliminary or final technical document prepared to record, document, or share results obtained from, or recommendations made on, or relating to, DoD-sponsored or co-sponsored scientific and technical work.

d. Scientific and Technical Information (STI). Communicable knowledge or information resulting from, or pertaining to, the conduct and management of DoD research, development, test, and evaluation (RDT&E) efforts. STI is used by administrators, managers, scientists, and engineers engaged in scientific and technological efforts and is the basic intellectual resource for and result of such effort.

e. Scientific and Technical Information Program (STIP). A coordinated structure of DoD STI functions operated or administered by the Military Departments and Defense Agencies under the overall policy direction and control of the Under Secretary of Defense for Acquisition (USDA) (further delegated to the Chief of Naval Research (CNR) by reference (a)). The objectives of the STIP are to: (1) ensure that STI generated by RDT&E programs provides maximum contribution to the advancement of science and technology; (2) permit timely, effective, and efficient control of the DoD RDT&E programs; (3) provide information support to the management of RDT&E-related programs; and, (4) eliminate unnecessary duplication of effort and resources by encouraging and expediting the interchange and use of STI.

f. RDT&E Work Unit. The smallest segment into which research or technology efforts are divided for local administration or control. Each work unit has a specific objective, finite duration, and results in an end product. It is technically distinct in scope, objective, and duration from other research or technology efforts with which it may be aggregated for either financial, administrative, or contracting purposes.

4. DoD STI Policy

a. As outlined in more detail by reference (b), "The DoD STIP program includes reproduction and dissemination of, and access to, scientific and technical documents; conduct of technical meetings and symposia; management of scientific and technical libraries, technical information centers, information analysis centers (IACs), and technical information data systems; application of information and decision-support systems to managing RDT&E and study programs; and conduct of programs to explore and apply advanced techniques and technologies to STI processes."

b. The overriding priority of the DoD STIP is to ensure timely and effective exchange among DoD RDT&E and study performers and managers of all STI generated by, or relevant to, the pursuit of DoD RDT&E programs. The DoD STIP provides for interchange of STI within and among DoD components, their contractors, and the national and international scientific and technical community--taking into account both security

requirements and access restrictions. Maximum use will be made of existing organizations, such as the Defense Technical Information Center (DTIC) and IACs, to produce a coherent program providing maximum sharing of data and resources and effective service to all bona fide users of DoD STI. Additional DoD STI goals include:

- (1) Improving existing services using the latest available technology.
- (2) Providing maximum participation and compatibility among information programs of disparate DoD components.
- (3) Avoiding unnecessary duplication of research effort.

c. The DoD STIP operates as a coordinated structure of generally decentralized activities under the policy direction of the USDA. DTIC provides the centralized focus for most DoD STIP activity, including document access and dissemination, data base and reference services, and as both a direct information system and data base support for USDA.

5. DON STI Policy

a. As an integral part of the DoD STIP, the DON STIP ensures that the STI generated by RDT&E programs is used to advance naval, DoD, and national RDT&E efforts. This continuing exchange of Navy STI helps eliminate needless duplication of effort, improve management efficiency, and support STI needs of scientists, engineers, and managers alike. Reliable research results often require pre-planned, repetitive testing to demonstrate reliability.

b. The principal objective of the DON STIP is to improve the processing, dissemination, application, and retention of Navy STI. This process requires the latest available technologies deemed cost-effective, as well as maximum participation in, and compatibility with, STI programs of DoD activities, other Federal agencies, and the private sector.

c. The overriding priority for the DON STIP is ensuring that all STI generated by, or relevant to, Navy RDT&E programs is exchanged rapidly and effectively among Navy, other DoD managers, Navy contractors and potential contractors within security constraints. Per official clearance procedures, the DON releases STI for public use through assigned Federal agencies. DON STI must be archived properly to insure both retention of, and access to, vital data and information.

d. Under this overall policy, three specific actions form the basis for the DON STIP:

(1) All applicable DTIC data bases shall be reviewed prior to the initiation or funding of any new Navy RDT&E effort, whether performed in-house or through a Federal Acquisition Regulation contract, cooperative agreement, grant, study, Small Business Innovative Research project, or Domestic Technology Transfer Cooperative Research and Development Agreement under the provisions of the Federal Technology Transfer Act of 1986.

(2) A work unit reporting the initiation or funding of any of the Navy RDT&E efforts listed above shall be recorded and submitted in a timely manner to DTIC per references (b), (c), and (d). In addition, all work unit summaries shall be updated whenever there is a major change in work; upon completion, cancellation, or termination of work; or, in any event, at least annually following initial submission.

(3) Upon completion, termination, or cancellation of any Navy RDT&E work unit or group of closely-related units, a scientific/technical report, or termination notice, shall be prepared by the responsible investigator. This report will be recorded on Standard Form 298 (Report Documentation Page) per reference (e); both the report and the Standard Form 298 should be forwarded to DTIC promptly. Final reports may be in the format of journal articles, proceedings, slide presentations, videos, software, optical and other disk devices, or other applicable newly emerging media, and when approved as such by the command responsible for the report. If a final report is available in more than one form or medium, one copy of each different example should be submitted to DTIC. Journal articles, proceedings, slide presentations, film, videos, optical software, or other new media may be submitted as a final report where appropriate. In the case of termination of a work unit, a letter report may substitute for the final report.

6. Responsibilities

a. Per reference (a), the CNR is the responsible agent for managing the DON STIP.

b. Reference (a) directs that Heads of DON components comply with the DON STIP. Responsibilities include the actions cited in paragraphs 5d(1), 5d(2), and 5d(3), with particular attention given to ensuring that all RDT&E funding is accounted for appropriately.

7. Action

a. The Office of Naval Research (ONR) Industrial Programs Department (ONR 36), as the CNR's designee, shall oversee the DON STIP per paragraph C2 of enclosure (2) to reference (b), including monitoring of DON component compliance identified in

paragraph 6b above. Monitoring shall include reconciliation between individual DON component receipt of RDT&E funding and related reporting and periodic summary reports from DTIC on DON component submissions. Supplemental guidance and reporting formats shall be developed and provided to command DON STIP focal points as required. ONR 36 will utilize enclosure (1) to aid in assessment of management controls for the DON STIP. ONR Special Assistant for Laboratory Fiscal Management (ONR 08C), shall provide to ONR 36 the budgetary/financial information related to individual DON component receipt of RDT&E funding, as indicated above.

b. Department of the Navy contracting activities shall ensure that DTIC is included in the final technical report distribution by (1) including a requirement in all contracts and grants for research and development that awardees shall certify to the cognizant Administrative Contracting Officer that the final technical report was submitted to DTIC and (2) monitor compliance with this certification requirement for awardees as a special interest item during periodic Procurement Management Reviews.

c. DON Echelon 1 and 2 Commands shall review and report compliance with this instruction during command inspections of subordinate activities that conduct or manage RDT&E work performed as in paragraphs 5d(1), 5d(2), and 5d(3).

d. Heads of DON components shall:

(1) Implement the DON STIP.

(2) Establish procedures to ensure the three actions cited in paragraphs 5d(1), 5d(2), and 5d(3).

(3) Designate at least one STIP Focal Point for each command/activity. Forward the name, address, telephone and fax numbers of each STIP Focal Point to the Chief of Naval Research, ONR 36 within 30 days of receipt of this instruction. Notify ONR 36 within 30 days of subsequent changes in STIP Focal Point(s).

(4) STIP Focal Points shall:


(a) Serve as primary point of contact at their command/activity for STIP matters,

(b) Monitor the review of applicable DTIC data bases by scientific officers prior to initiating new efforts, in order to prevent duplication or undesirable overlap with either prior or on-going studies or RDT&E work elsewhere within DoD as indicated in paragraph 5d,

(c) Monitor all new and on-going RDT&E work to insure that new start information, updated work units, progress reports, termination work unit reports, and technical reports on completed work units or programs are forwarded promptly to DTIC per references (b), (c), and (d) and paragraph 5d of this instruction.

(d) Report semiannually to the CNR (Attn: ONR 36) on the command's compliance with (b) and (c) above.

8. Report. The reporting requirements contained in paragraph 7d(4)(d) are exempt from reports control by SECNAVINST 5214.2B.



MARC PELAEZ

Rear Admiral, USN

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GUIDELIST - ONRINST 3900.36

1. Function, Program, or Assessable Unit: _____
2. List all higher level and local applicable instructions, guidance and/or standard operation procedures by number, title, and date.
 - a. Is all implementing guidance current?
(1) _____ (2) _____
3. List the steps, processes, and controls necessary to accomplish the functional responsibilities of the assessable unit.
 - a. Do the position descriptions of employees coincide with the work actually being done by them?
(1) _____ (2) _____
 - b. Have all employees been exposed to TQL training?
(1) _____ (2) _____
 - c. Are the incumbent employees competent to hold their positions by virtue of education and/or training?
(1) _____ (2) _____
 - d. Do all employees have qualified and continuous supervision?
(1) _____ (2) _____
 - e. Do managers and employees maintain and demonstrate a positive and supportive attitude toward management controls at all times?
(1) _____ (2) _____
 - f. Are key duties and responsibilities in authorizing, processing, recording and reviewing transactions separated among individual employees and managers?
(1) _____ (2) _____

Enclosure (1)

g. Are managers and/or employees acting within the scope of their authority when they authorize transactions and execute their duties?

(1) _____ (2) _____

h. Is access to government resources and records limited to authorized individuals and/or is there a system of accountability (inventory) for the custody and use of resources?

(1) _____ (2) _____

i. Are regular inventories required by management and/or regulation?

(1) _____ (2) _____

j. Are inventories accomplished at the required frequency?

(1) _____ (2) _____

k. Has an appropriate system of recording transactions and other significant events been established ?

(1) _____ (2) _____

l. Are all transactions and significant events recorded promptly and classified properly, i.e., is the system adequate?

(1) _____ (2) _____

m. Is all current documentation readily available for examination by persons outside the organization?

(1) _____ (2) _____

Tab 29

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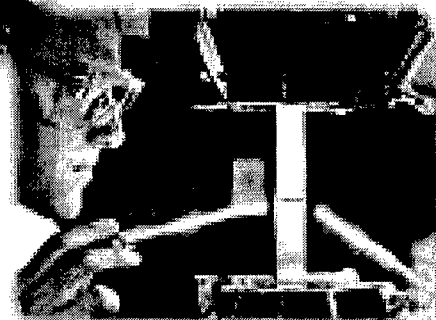


U.S. Army
Materiel Command

AMC-PAM 70-6

TILO

Technical & Industrial Liaison Office



R&D Opportunities for INDUSTRY



Approved for public release; distribution unlimited

Department of the Army
Headquarters, U.S. Army Materiel Command
5001 Eisenhower Ave. – Alexandria, VA 22333-0001

AMC Pamphlet
No. 70-6*

September 1999

Research, Development, and Acquisition

Information for Industry

**Research and Development Opportunities
with the U.S. Army Materiel Command**

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*** *This pamphlet supersedes AMC-P 70-6, 23 October 1992.***

Introduction

The Army depends on the industrial sector, including both large and small businesses, for most research and development (R&D) services and nearly all materiel acquisition. Consequently, it is advantageous to the Army to provide information that will help businesses maintain awareness of prospective Army procurements and develop competitive postures in anticipation of those procurements. By providing information to industry on Army needs, the Army gains access to existing and emerging technologies and benefits from increased competition during development and acquisition.

*It is therefore incumbent upon the Army to make available the latest advanced planning and requirements information so that industry can effectively apply its resources in developing the materiel and weapons necessary to support the national defense effort. It is the purpose of this pamphlet to summarize briefly the information for industry programs that are provided or supported by the Army's family of **Technical and Industrial Liaison Offices (TILO)**.*

*The U.S. Army Materiel Command (AMC) maintains the Headquarters (HQ) AMC **TILO** and eight field **TILOs**. This pamphlet lists the locations of the **TILOs**, explains the procedures for arranging a visit, and describes the types of information and support that they offer and the programs and services that they provide. AMC invites you to visit your nearest **TILO** at your earliest convenience.*

TILO Locations

**Headquarters, U.S. Army Materiel Command
Technical & Industrial Liaison Office**

ATTN: AMCRDA-AI-TILO

5001 Eisenhower Avenue

Alexandria, VA 22333-0001

Phone: (703) 617-8948 – Fax: (703) 617-2235

U.S. Army Tank-Automotive RD&E Center

ATTN: AMSTA-TR-R; MS 205

Warren, MI 48397-5000

Phone: (810) 574-5758 – Fax: (810) 574-7636

U.S. Army Armament RD&E Center

ATTN: AMSTA-AR-ASC

Picatinny Arsenal, NJ 07806-5000

Phone: (201) 724-7349 – Fax: (201) 724-2934

U.S. Army Communications-Electronics Command

ATTN: AMSEL-AC-SP-BL

Fort Monmouth, NJ 07703-5008

Phone: (732) 532-2671 – Fax: (732) 532-9095

U.S. Army Research Laboratory

ATTN: AMSLC-PP-LM

2800 Powder Mill Road

Adelphi, MD 20783-1145

Phone: (301) 394-3880 – Fax: (301) 394-1162/2416

U.S. Army Edgewood Chemical Biological Center

ATTN: SCBRD-ASC

5232 Fleming Road

Aberdeen Proving Ground, MD 21010-5423

Phone: (410) 436-2031 – Fax: (410) 436-6529

U.S. Army Natick Soldier Center

ATTN: AMSSB-RSC-BB(N)

15 Kansas Street

Natick, MA 01760-5019

Phone: (508) 233-5431 – Fax: (508) 233-5086

**U.S. Army Simulation, Training and
Instrumentation Command**

ATTN: AMSTI-CSP

12350 Research Parkway

Orlando, FL 32826-3276

Phone: (407) 384-5107 – Fax: (407) 384-5130

U.S. Army Aviation and Missile Command

ATTN: AMSMI-RD-TI

Redstone Arsenal, AL 35898-5243

Phone: (205) 876-4270 – Fax: (205) 876-8866

• T I L O •

Eligibility Requirements

Visitors to **TILOs** must meet certain requirements. First, they must be U.S. citizens and a member of a U.S.-controlled organization that has:

- Expressed a desire to participate in the R&D effort of the U.S. Army.
- Obtained the necessary facility and personnel clearances.
- Provided acceptable evidence of an existing or planned R&D capability.

Qualified foreign representatives with appropriate data exchange agreements or memoranda of agreement (MOA) may request a **TILO** visit through their embassies. **TILOs** obtain approval for the release of information through Army foreign-disclosure channels.

When an organization's area of interest exceeds current contracts, it may establish need-to-know through registration in the Army Potential Contractor Program (described on page 6).

Visit Policy & Procedures

Normally, industrial visitors must make appointments at least one week in advance in order to process security clearances. Appointments to review documents in the HQ AMC **TILO** are scheduled from 0800 to 1200 hours and from 1300 to 1530 hours Monday through Friday.

Visitors should forward their personal security clearances to the local security office with the annotation "To visit the Technical and Industrial Liaison Office for the purpose of reviewing Army R&D documents."

Prior to scheduling an appointment, personal security clearances (visit requests) should be mailed or faxed to:

U.S. Army Materiel Command
ATTN: AMCRDA-AI-TILO
5001 Eisenhower Avenue
Alexandria, VA 22333-0001

Phone: (703) 617-8948 – Fax: (703) 617-2235

Web Site: <http://www.amc.army.mil/amc/rda/tilomenu.html>

Include the organization's facility clearance, cognizant security office, and Defense Technical Information Center (DTIC) user code on the visit clearance request. Visit clearance requests may be made for a one-year period.

Information Services

Army personnel are available at each **TILO** to provide technical consultation and guidance on current and long-range R&D projects. These offices have the full-time responsibility of providing information requested by current or potential defense contractors.

This technical information service is complemented by selected R&D planning, requirements, and information documents. These include the following:

Research & Development Descriptive Summaries (RDDS) – sometimes referred to as Program Element Descriptive Summaries (PEDS). These documents, submitted to the Office of the Secretary of Defense and to Congress, contain narrative information on all research, development, test, and evaluation (RDT&E) program elements and projects.

Mission Need Statement (MNS) – The MNS has replaced the Operational and Organizational (O&O) Plan and is the program initiation document in the materiel acquisition process. It provides decision makers with the minimum essential information necessary to initiate the concept exploration phase.

Operational Requirements Document (ORD) – The ORD has replaced the Required Operational Capability (ROC) document, and it states concisely the minimum essential operational, technical, personnel, manpower, safety, health, human factors engineering, training, logistics, and cost information necessary to initiate the full-scale development phase or procurement of a materiel system.

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Catalog of Approved Requirements Documents (CARDS) –
The CARDS lists approved materiel requirements documents. Its purpose is to provide up-to-date reference information to the combat and materiel development communities.

Other Types of Documents Available:

Advance Planning Briefings for Industry Proceedings,
Advance Planning Briefings for Industry Schedules,
Army Weapon Systems,
Army Science & Technical Master Plan,
Army Modernization Plans,
Research & Development Plans,
Research, Development, and Acquisition Bulletin,
Technical Objective Documents,
Training Systems Forecast,
Selected briefing documents, pamphlets,
and other Defense publications.

**Information
Programs for Industry
Army Potential Contractor
Program (APCP)**

The APCP has been established to certify and register non-Government organizations for access to controlled scientific and technical information. This includes information on Army needs, requirements, programs, funding, and advance planning associated with research, development, and acquisition. The program can support you in expanding technical competence in order to support Army goals. Under this program, the Army sponsors your access to planning and technical information from the TILOs and the Defense Technical Information Center (DTIC).

You are eligible for the APCP if you are a non-Government organization that is not foreign-owned, controlled, or influenced and if you have a demonstrated capability to perform R&D and have an intent and a reasonable potential for eventually receiving a contract from the Army.

Further information or a registration package can be obtained from any of the **TILOs**.

Advance Planning Briefings for Industry (APBI)

APBIs are intended to encourage and promote early and effective dialogue with industry during all phases of the acquisition planning cycle. Current AMC policy requires that every major subordinate command (MSC) conduct periodic formal briefings for industry on a wide range of projected contracting opportunities. APBIs provide industry a broad overview of long-term efforts 3 to 5 years prior to solicitation as well as specific information on near-term efforts and requirements. APBIs are announced in the Commerce Business Daily (CBD). A master schedule providing dates, locations, and points of contact for upcoming APBIs is published biannually to assist industry in planning for future briefings and can be obtained by visiting the **TILO** Web Site at <http://www.amc.army.mil/amc/rda/apbi98.html>.

Research and Development (R&D) Unfunded Studies

R&D unfunded studies may be performed for the Army under what is essentially a no-cost contract. The Army recognizes that such studies can be of greater mutual benefit if they are conducted with access to Army scientific, technical, and planning information and with consultation with Army personnel. Study organizations often use such studies to justify an expanded need-to-know and, therefore, greater access to information.

The first step in initiating an unfunded study is for the potential study organization to meet with Army scientists and engineers who might act as the study sponsor (**TILOs** can help you make the proper contacts and act as the study coordinator). If the study organization and the Army can identify a topic of mutual interest, the study organization submits a proposed scope of work and a description of the required level and extent of nonmonetary Army support (information and consultation).

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When the sponsor approves the scope of work, the study organization enters into a Study Agreement with the sponsoring Army activity. The study coordinator then completes a DoD Contract Security Classification Specification. Normally, the period of performance is for one year but may be renewed.

Unsolicited Proposals

The Army has a continuing interest in receiving proposals that contain new ideas, suggestions, and innovative concepts for weapons, supplies, facilities, devices, and equipment. "Unsolicited Proposal" (UP) is the term used to describe a unique and innovative proposal submitted on the initiative of a private firm, nonprofit organization, or educational institution which is not in response to a formal or informal request (other than a publicized general statement of need). The Government has eliminated from this category advance proposals for specific agency requirements that would normally be procured through competitive methods. Also eliminated are offers of commercial products that are usually sold to the general public. In addition, the Government may not accept an UP that closely resembles a pending competitive acquisition requirement.

Organizations and individuals are encouraged to make preliminary contacts with appropriate agency personnel before expending extensive effort on a detailed UP. Such contacts are, of course, conducted in a manner that will preclude agency commitments, explicit or otherwise, regarding the acceptance of an UP.

More detailed and complete information is contained in AMC Pamphlet 70-8, "Guide for Unsolicited Proposals," which can be obtained by visiting the **TILO** Web Site at <http://www.amc.army.mil/amc/rda/70-8.html>.

One final comment: When you talk to Army scientists and engineers about UPs, be sure and ask if there is an active Broad Agency Announcement (BAA) covering the subject under discussion. If there is, submit your proposal in response to the BAA and not as an UP.

Broad Agency Announcements

The Broad Agency Announcement (BAA) is a mechanism used by the Federal Government to competitively solicit R&D proposals from the private sector. A BAA identifies, in general terms, an activity's area of basic and applied research interest and that part of development not related to the development of a specific system or hardware procurement. This technique is used only when there is reasonable expectation that meaningful proposals with varying technical/scientific approaches will be received. Announcements of availability of BAAs are published in the Commerce Business Daily (CBD). Each BAA typically includes the following information:

- The activity's research interest, either for an individual program requirement or for broadly defined areas of interest covering the full range of the activity's requirement.
- The criteria for selecting the proposals, their relative importance, and the method of evaluation.
- The period of time during which proposals submitted in response to the BAA will be accepted.
- Instructions for preparation and submission of proposals.

The activity evaluates proposals per the published evaluation criteria through a peer or scientific review process. Note, however, that the activity need not evaluate proposals against each other because they are not submitted against a common work statement. Selection of sources resulting from evaluation of proposals submitted under a BAA is considered to be a competitive procedure.

To obtain copies of BAAs, contact the point of contact listed in the CBD notice or any TILO.

Small Business Innovation Research Program

Congress mandated establishment of the Small Business Innovation Research (SBIR) Program in 1982 (with subsequent reauthorizations in 1986, 1992, and 1999) to increase the participation of small businesses in federal research and devel-

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opment (R&D) and access the highly innovative resources of this country's small business sector. The program stimulates technological innovation in the private sector, strengthens the role of small business in meeting DoD R&D requirements, fosters and encourages participation by small and disadvantaged firms in technological innovation, and increases the commercial application of DoD-sponsored research.

Each year, participating Army Labs and Research Centers develop a set of research topics that represent the Army's current and anticipated warfighting technology needs. These topics are included in the Army portion of the DoD SBIR Solicitation. While DoD publishes two solicitations annually, the Army participates only in the second solicitation each fiscal year. Typically, this solicitation is pre-released in May, formally opens in July, and closes in August. This solicitation is also posted on the DoD SBIR/STTR Web Site at <http://www.acq.osd.mil/sadbu/sbir>.

Successful SBIR projects accomplish their objectives in three phases. Proposals submitted in response to the solicitation topics are competitively selected for Phase I awards. Note that Phase I is the entry point to the program; it cannot be bypassed. In Phase I, the company must prove the feasibility of its concept within a six-month, up to \$70K effort. The Phase I contract also includes an option, for up to \$50K, which the Army may exercise to fund interim Phase I - Phase II activities if the project is selected to receive a Phase II award. Successful Phase I companies may compete for Phase II funding by being invited by the Army to submit Phase II proposals near the end of Phase I efforts. Phase II is a substantial R&D effort, up to \$730K over two years, and is intended to result in a dual-use prototype product or service meeting the requirements of the original solicitation topic and which can be made commercially viable. The Army SBIR Program is very competitive, with about one in ten Phase I proposals and one in three Phase II proposals being selected for funding.

Phase III is the goal of every SBIR effort, and represents the commercialization phase of the program. In Phase III, the

successful company markets the products or services developed in Phase II, either to the Government or in the commercial sector. No SBIR funds can be used in Phase III.

Each year, the Army SBIR Quality Awards Program recognizes SBIR contractors and Army Technical Monitors for exceptional performance that exemplifies the SBIR Program goal of bringing innovative technologies and products to the marketplace. This award is open to Phase II projects that have been or will be finished during the fiscal year of the award. Up to five Army Phase II SBIR Quality Awards are selected by a panel of private and Government scientists.

To learn more about participating in the Army SBIR Program and other business opportunities within the Army, visit the Army Research Office-Washington Web Site at <http://www.aro.army.mil/arowash/rt> or contact:

Director, U.S. Army Research Office-Washington,
Army Materiel Command 5001 Eisenhower Ave., Alexandria,
VA 22333-0001 (703) 617-7425; FAX (703) 617-8274
e-mail: aro-sbir@hqamc.army.mil

The Army Small Business Technology Transfer (STTR) Program

The STTR Program like SBIR, is a Government-wide program, mandated by the Small Business Research and Development Enhancement Act of 1992, PL102-564 and has been reauthorized to the year 2001. STTR was established as a companion program to the SBIR Program. While STTR has the same objectives as SBIR regarding the involvement of small businesses in federal R&D and the commercialization of their innovative technologies, the STTR Program also provides a mechanism for participation by universities, federally-funded research and development centers (FFRDCs), and certain other non-profit research institutions. STTR is designed to provide an incentive for small companies and researchers at academic institutions and non-profit research institutions to work together to move emerging technical ideas from the laboratory to

• T I L O •

the marketplace. Each STTR proposal must be submitted by a team which includes a small business (as the prime contractor for contracting purposes) and at least one research institution, which have entered into a Cooperative Agreement for the proposed STTR effort. Furthermore, the project must be divided such that the small business performs at least 40% of the work and the research institution(s) performs at least 30% of the work. The remainder of the work may be performed by either party or a third party.

While STTR moves through the same three-phase process as SBIR, there are a few notable differences. For example, a STTR Phase I effort can be up to one-year (vs. six-month in SBIR) for up to \$100K. Phase II STTR projects are two-year efforts for up to \$500K. Furthermore, the Department of Defense issues only one STTR Solicitation each year, which contains a section for the Army STTR topics. The STTR solicitations and related information are available on the DoD SBIR/STTR Web Site at <http://www.acq.osd.mil/sadbu/sbir>.

To learn more about participating in the Army STTR Program and other business opportunities within the Army, visit the Army Research Office-Washington Web Site at <http://www.aro.army.mil/arowash/rt> or contact:

Director, U.S. Army Research Office-Washington,
Army Materiel Command, 5001 Eisenhower Ave., Alexandria,
VA 22333-0001 (703) 617-7425; FAX (703) 617-8274
e-mail: aro-sbir@hqamc.army.mil

Army Advanced Concepts & Technology II Program

The Advanced Concepts and Technology (ACT) II Program, open to all sized businesses, represents a unique partnership between Army organizations whose purpose is to push mature technologies out of the laboratory and onto the battlefield. ACT II relies heavily on leveraging industry technology development efforts, demonstrating their relevance to warfighting needs, and transitioning successful projects to the acquisition stage. The ACT II team is comprised of the U.S. Army Training

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and Doctrine Command Battle Labs, the Army's research, development, and acquisition community, industry, and academia. Together, they're helping define the technologies that will shape and support Force XXI – the smaller, Force Projection Army of the 21st century.

ACT II depends on direct private sector involvement in the technology push process. Each year, a highly-competitive Broad Agency Announcement (BAA) is released containing topics of interest to the Army. The BAA minimizes industry's bid and proposal investment through a unique two-stage process. Offerors submit two-page concept papers against BAA topics, which are evaluated for technical merit and warfighting contribution. The most promising concepts result in invitations to submit full brief proposals. A final evaluation results in the selection of proposals to fund. The entire process, from concept to award, takes six months.

In keeping with the program's focus on relatively mature technologies, ACT II projects are funded at a maximum of \$1.5M with a planned period of performance not to exceed one year. Funded projects are targeted to specific Battle Lab demonstrations to determine their warfighting contributions, and successful efforts are then transitioned to the soldier in a number of ways.

The ACT II program was established in fiscal year 1994 and is funded annually through the Army and DoD budget process. To date, the program has funded a total of 144 projects, many of which have already transitioned to the warfighter or have excellent prospects for transition.

To learn more about participating in the Army ACT II Program and other business opportunities within the Army, visit the Army Research Office-Washington Web Site at <http://www.aro.army.mil/arrowash/rt> or contact:

Director, U.S. Army Research Office-Washington,
Army Materiel Command, 5001 Eisenhower Ave., Alexandria,
VA 22333-0001 (703) 617-7425; FAX (703) 617-8274
e-mail: aro-actii@hqamc.army.mil

• T I L O •

**Defense Technical Information
Center (DTIC)**

DTIC is a major component of the DoD Scientific and Technical Information Program (STIP). DTIC contributes to the management and conduct of Defense research and development efforts by providing access to and transfer of scientific and technical information to DoD personnel, DoD contractors, potential contractors, grantees, and other U.S. Government agency personnel and their contractors.

DTIC holdings include technical reports and other print and nonprint products of Defense research; management information summaries of ongoing, completed, or terminated work efforts; and independent research and development (IR&D) project descriptions (distribution of which is limited to DoD personnel and other approved federal agencies). DTIC also offers access to many other research and acquisition management-oriented products such as special collections, referral data bases, and profile-based current awareness services.

In addition to its own registered user community, DTIC also releases unclassified/unlimited technical reports and bibliographic information to the National Technical Information Service (NTIS), a Department of Commerce Agency which serves the public.

DTIC is headquartered at Fort Belvoir, Virginia, with field offices in the Los Angeles, Boston, Dayton, and Albuquerque areas. You may learn more about DTIC products and services by calling (703)767-8267 or 1-800-225-3842 or visiting the DTIC Homepage at <http://www.dtic.mil>.

Directions to HQ AMC TILO

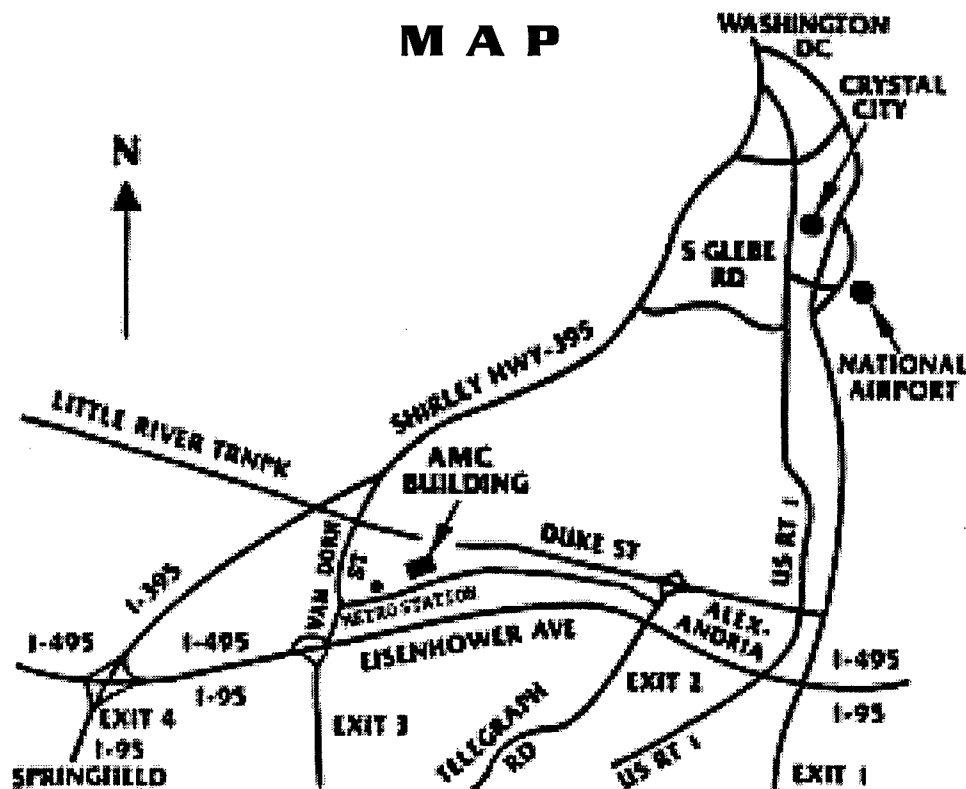
Using Interstate 395: Take Interstate 395 to Duke Street east exit. Go through one traffic light. Immediately after the traffic light, turn right onto the Van Dorn Street ramp. Follow Van Dorn Street to the sixth traffic light, which is Eisenhower Ave. Turn left on Eisenhower Ave., and proceed approximately five blocks to the AMC Building on the left.

Using Interstate 95/495: Take Interstate 95 and 495 (Capital Beltway) to Van Dorn Street (Exit 3). Turn left on Van Dorn Street and proceed under the Beltway to the traffic light at Eisenhower Avenue. Turn right on Eisenhower Ave. & proceed approximately five blocks to the AMC Building on the left.

Using Metro: Take the Blue Line of the Metro subway and go to the Van Dorn Metro Station. Exit the station on your right at the kiosk and proceed past the bus stops. Turn right onto Eisenhower Avenue and walk approximately 3 blocks to the AMC Building on the left.

Parking: In addition to official DoD visitor spaces, pay parking is permitted in the adjoining commercial lot.

M A P



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OFFICIAL:

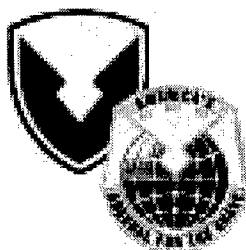
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AMC-PAM 70-6



Headquarters, U.S. Army Materiel Command
5001 Eisenhower Avenue
Alexandria, VA 22333-0001

Tab 30

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SPCP

NAVAL POTENTIAL CONTRACTOR PROGRAM

Application

Guidebook

POC: Louise Rice

Office of Naval Research

Arlington, VA

Code NARDIC 362

Tel: (703) 588-2826

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E-mail: RICEL@onr.navy.mil

<http://nardic.onr.navy.mil>

21 March 2001

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Preface

The Naval Potential Contractor Program (NPCP) provides an approved means for the interchange of controlled information between Department of Defense (DoD) activities and researchers from qualified firms, universities, and other non-government organizations. Applying for the agreement leads to a security clearance needed for relevant visits to Naval facilities. Also, the agreement serves as a need-to-know certification required for attendance at relevant classified conferences. Agreements are established for a maximum of three years.

Through the NPCP, access is allowed to documents at the Navy Acquisition, Research and Development Information Center (NARDIC), within the Office of Naval Research in Arlington, Virginia, which is the central point where Naval research and development planning and requirements information is available. Information is also available from other Naval and defense activities, including the Defense Technical Information Center (DTIC).

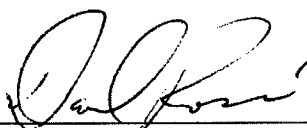
This program is designed for both potential contractors and current DoD contractors seeking information in areas not covered by contracts. The information enables these contractors to:

1. discover and assess Naval applications for their current and planned products and services, and
2. plan future Independent Research and Development (IR&D) efforts to synchronize with stated Naval requirements.

Specifically, the NPCP provides access to classified and unclassified scientific and technical information concerning Naval needs, requirements, programs, accomplishments, advance planning, and funding associated with research, development, and test and evaluation. Access is based on the need-to-know required to conduct a project or study at no cost to the Government. The potential contractor is required to invest company discretionary resources to support the collection, review and application of the received information to an identified study/project/course of action associated with the maintenance or establishment of capability as a developer and producer of military technology.

In turn, the process provides Naval activities with 1) a knowledgeable industrial base for effectively responding to Naval needs and 2) the opportunity to integrate contractors' technical information with their own research to establish technical specifications and enhanced capability for future systems.

Thank you for your interest in the NPCP. To ensure prompt processing, please be sure to review and follow the instructions in this guidebook.


21 March 2001
MR. DAVID ROSSI
ONR 36 – Industrial and Corporate Programs
Ballston Centre Tower 2, Room 106
800 N. Quincy St.
Arlington, VA 22217-5660
(703) 696-4448
Fax: (703) 696-4884
rossid@onr.navy.mil

Naval Potential Contractor Program: Section 1

Eligibility

Firms, individuals, and universities (referred to here as the NPCP applicant) with a demonstrated capability of performing research and development with a reasonable potential for eventually receiving a contract with a Naval activity are eligible to participate in the NPCP. This includes U.S. companies under foreign ownership, control, or influence when the foreign involvement has been negated and the company maintains a valid facility clearance in accordance with the provisions of the National Industrial Security Program Operating Manual (DoD 5220.22-M of Jan 95). Qualified non-government activities choosing to participate in the NPCP will enter into a policy agreement with an appropriate Naval activity.

Although participation in this program is available to all potential contractors, it is specifically aimed to assist those who do not have an active DoD contract but have a current or potential capability to perform work of interest to a Naval activity. Participation will be granted after an evaluation of capabilities (experience, personnel, facilities) is made, and a policy agreement is executed.

How to Acquire An NPCP Agreement

1. All necessary forms and this Application Guidebook are available at the NARDIC web site at <http://nardic.onr.navy.mil>. Click on Naval Potential Contractor Program (NPCP).

If you are reading a paper copy of this guidebook, forms are in Section 7. Follow instructions in this guidebook for selection and completion of the appropriate forms for your organization's information access needs.

Please note that the same person must be listed as the Principal Investigator on DD FORM 1498, block 20a; as the Data Custodian on DD FORM 2345, block 3a, and as the Attention Name on DD FORM 1540, block 4a. The forms are shown on the next page.

How to Acquire An NPCP Agreement (Cont.)

Technical Effort and Management System (DD FORM 1498)

[illegible]

DU Form 432, AGO 1698

NPCP Policy Agreement for Participation in the Naval Potential Contractor Program

NAVY AGREEMENT NO. _____
FOR PARTICIPATION IN THE
NAVAL POTENTIAL CONTRACTOR PROGRAM

NCP Agreement No. _____

Print to obtaining information or material in connection with the Naval Potential Contractor Program (NCP), the following policy must be clearly understood by the individual signing this agreement for his organization.

POLICY

1. The Naval sponsoring activity will furnish the NCP agreement participating organization (NCP-AP0) with or provide access to certain information or material, hereafter called documents, under the following conditions:

- a. Documents furnished etc to remain the property of the United States Government.
- b. Documents are subject to recall by the Naval sponsoring activity at any time.
- c. Documents provided by the Naval sponsoring activity, the Navy Acquisition, Research and Development Information Center (NARDIC), and the Defense Technical Information Center (DTIC) through this program are to be disposed of in accordance with the provisions of DoD 5220.22-M, the National Industrial Security Program Operating Manual.
- d. The documents are not to be reproduced or disseminated outside of the recipient NCP-AP0 without the written permission of the Naval sponsoring activity.

2. The NCP-AP0 must safeguard all classified documents, providing and maintaining a system of security control within its organization in accordance with: (1) the requirements of the DD FORM 254, DoD Contract Security Classification Specification, (2) DoD 5220.22-M, the National Industrial Security Program Operating Manual, and (3) any revisions of the manual required by the demands of national security as determined by the United States Government. Insofar as the provisions of the manual are concerned, the term "Contracting Officer or his authorized representative" will mean the Naval representative authorized to release or to sponsor the release of documents.

- f. The documents are furnished for information and general guidance only; they are not to be construed as a request for proposal, or as a commitment by the government to issue a contract, or as authority for the NCP-AP0 to incur expenses in anticipation of a government contract, nor are they to be used as the basis of a claim against the government. The furnishing of these documents by the government is not to be construed to obligate the NCP-AP0 to furnish to the United States Government any experimental, developmental, research, or production articles, services, or proposals.
- g. Information provided to DoD activities by the NCP-AP0 under this program will not be protected unless it is submitted under the Freedom of Information Act (5 U.S.C. §552b) [E] and [N] and in accordance with appropriate Defense Policy, Security Regulations, and Departmental and Command Regulations. Before information is submitted, advice should be obtained as to how to protect the information.
- h. All correspondence relating to this program shall refer to the Naval Potential Contractor Program agreement number.

3. It is further agreed that either the NCP-AP0 or the Naval sponsoring activity may terminate this agreement by giving the other party written notice of intent-to-terminate 30 days prior to the effective date of termination; otherwise, this agreement will remain in effect for a maximum of 3 years from the date signed by the Naval sponsoring activity. In event of termination or expiration, the NCP-AP0 continues to be bound by the requirements herein with respect to information or material furnished pursuant to this policy agreement.

NCP POLICY AGREEMENT (3-01)

Militarily Critical Technical Data Agreement (DD FORM 2345)

MILITARILY CRITICAL TECHNICAL DATA AGREEMENT

Agreement for the Control and Release of Information on Military and Aerospace Technology

<p>1. NAME OF THE PARTY PROVIDING THE INFORMATION</p> <p>2. NAME OF THE PARTY RECEIVING THE INFORMATION</p>		<p>3. DATE OF SIGNATURE</p> <p>4. PLACE OF SIGNATURE</p>	
<p>5. TYPE OF INFORMATION</p> <p>6. NATIONAL OR ENTERPRISE DATA</p>		<p>7. DATE OF SIGNATURE</p> <p>8. PLACE OF SIGNATURE</p>	
<p>9. DATA CATEGORY</p> <p>10. DATE OF SIGNATURE</p>		<p>11. PLACE OF SIGNATURE</p> <p>12. DATE OF SIGNATURE</p>	
<p>13. DESCRIPTION OF THE DATA SUBJECT MATTER</p>			
<p>14. A SUMMARY OF THE INFORMATION RELATIVELY CRITICAL TECHNICAL DATA, THE NATIONAL OR ENTERPRISE CONTROL STATE</p>			
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Registration for Scientific and Technical Information Services (DD FORM 1540)

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Naval Potential Contractor Program: Section 1

How to Acquire An NPCP Agreement (Cont.)

2. A company, university, individual, or other non-government organization (referred to here as the applicant) interested in an NPCP agreement should first match its capabilities to a specific Naval research and development activity, laboratory, or systems command (referred to here as the sponsoring activity), which establishes the agreement. To facilitate the correct match, Independent Research and Development (IR&D) and NPCP points of contact (POCs) are listed at the web site of the Navy Acquisition, Research and Development Information Center (NARDIC) at <http://nardic.onr.navy.mil>. Most often, the NPCP POC also performs the role of NPCP Manager who has NPCP final signature and approval authority. These POCs will help match the applicant with a relevant, technical POC (referred to here as the responsible individual (RI)) at the sponsoring activity. Also, an RI may initiate a request of his/her Naval activity to establish an NPCP agreement with the applicant.
3. Complete DD FORM 1498, the NPCP Policy Agreement, DD FORM 2345 and DD FORM 1540 exactly as instructed in this guidebook. **Completed forms must not contain classified information.**
4. Send all completed forms to the Naval activity sponsoring the agreement.
5. The application will be processed according to the following procedure:
 - a. The NPCP Manager will track and maintain control of the registration process.
 - b. The RI specified on DD FORM 1498 (block 19c) will accept responsibility for the actions covered by this agreement and confirm the need-to-know for classified information and for participation in classified meetings and events.
 - c. The security office at the sponsoring activity will interface with the Defense Security Service to ensure appropriate clearance requirements are met and identified in a DD FORM 254 generated by the security office and attached to the approved NPCP agreement.
 - d. The NPCP Manager will approve and sign the agreement.
 - e. A dated copy of the completed agreement will be returned to the principal investigator of the applicant organization as notification that the agreement has been approved and established. The entire process averages three to six months if there are no problems with the registration process.
6. All questions concerning the registration process are to be directed to the sponsoring activity.

Naval Potential Contractor Program: Section 2

After the Agreement is Established

An NPCP agreement will be in effect for a maximum of three years.

An NPCP agreement cannot be renewed. A new NPCP registration package must be submitted upon completion or termination of the old agreement. Access to NARDIC and DTIC that is based on this agreement will also expire at the end of this agreement.

The NPCP agreement participating organization (NPCP-APO) must provide an annual progress report. This information is to be entered on DD FORM 1498. Three copies of this form are sent to the NPCP-APO with the official NPCP agreement papers. The agreement may be canceled if reports are not submitted

Written notification of any changes to the NPCP-APO name, address, principal investigator, responsible individual (RI), security status, project, etc., must be sent to the NPCP Manager.

All documents are to be requested via proper channels from the RI, NARDIC, DTIC, or the library of the sponsoring activity.

Naval Potential Contractor Program: Section 3

DD FORM 1498 - Technical Effort and Management System

DD FORM 1498 is used to define objective(s) and approach, and to report progress.

The form, described in detail on the following five pages, consists of 25 sections.

DD FORM 1498 is required at the start of each NPCP effort and annually thereafter, until the project is completed or terminated.

Do not use continuation pages. DD FORM 1498 must stand on its own.

DD FORM 1498 must not contain classified information.

All patents and inventions shall be reported.

Naval Potential Contractor Program

DD FORM 1498

1. AGENCY ACCESSION

Leave Blank

2. DATE OF SUMMARY

Enter the year, month, and day submitted:
(e.g., 001015 for 15 October 2000).

REPORT CONTROL SYMBOL

Pre-entered "DD-A&T(AR)636"

3. DATE OF PREVIOUS SUMMARY

For a new summary, enter "None". For an updated summary, use the date (Block 2) from the last DD FORM 1498 submitted.
(e.g., 001120 for 20 November 2000.)

4. KIND OF SUMMARY

Enter the appropriate letter as described below.

A. New: Initial report.

D. Change: To report substantive revisions to a previously submitted summary or to reinstate an effort previously reported as terminated.

H. Term: To report on an incomplete work unit effort that has been canceled, suspended, or discontinued.

K. Compl: Final report on a completed work unit effort.

R. Corr: Submitted to indicate an editorial change or to correct a minor error on a previously submitted summary. (Use the date of the original summary to be corrected in item 2.)

TECHNICAL EFFORT AND MANAGEMENT SYSTEM				1. AGENCY ACCESSION	2. DATE OF SUMMARY	REPORT CONTROL SYMBOL DD-A&T(AR)636
3. DATE PREVIOUS SUMMARY	4. KIND OF SUMMARY	5. SUMMARY SECURITY U	6. WORK SECURITY	7. REGRADING	8. DISBURSING INSTRUCTIONS GP	9. LEVEL OF SUMMARY A. WORK UNIT
10. NO./CODES.	PROGRAM ELEMENT	PROJECT NUMBER	TASK AREA NUMBER	WORK UNIT NUMBER		
a. PRIMARY	NPCP	0	0			
b. CONTRIBUTING						
c. CONTRIBUTING						
11. TITLE (Precede with Security Classification Code)						
12. SUBJECT AREAS						

5. SUMMARY SECURITY

Pre-entered "U" for UNCLASSIFIED. This represents the classification of this DD FORM 1498. **Classified information must not be entered on this form.**

6. WORK SECURITY

Enter the letter code U, C, S (UNCLASSIFIED, CONFIDENTIAL OR SECRET) that describes the classification level of the work resulting from this NPCP agreement.

7. REGRADING

Leave blank

8. DISBURSING INSTRUCTIONS

Pre-entered "GP" to designate U.S. Government-only property information.

Naval Potential Contractor Program

DD FORM 1498

9. LEVEL OF SUMMARY

Pre-entered "A. WORK UNIT"

10. NO./CODES

a. PRIMARY PROGRAM ELEMENT

Pre-entered "NPCP"

PROJECT NUMBER

Pre-entered "0"

TASK AREA NUMBER

Pre-entered "0"

WORK UNIT NUMBER

Leave blank.

b. CONTRIBUTING

Leave blank.

c. CONTRIBUTING

Leave blank.

TECHNICAL EFFORT AND MANAGEMENT SYSTEM				1. AGENCY ACCESSION	2. DATE OF SUMMARY	REPORT CONTROL SYMBOL DD-A&T(AR)636
3. DATE PREVIOUS SUMMARY ▼	4. KIND OF SUMMARY	5. SUMMARY SECURITY U	6. WORK SECURITY	7. REGRADING	8. DISBURSING INSTRUCTIONS GP	9. LEVEL OF SUMMARY A. WORK UNIT ←
10. NO./CODES:		PROGRAM ELEMENT	PROJECT NUMBER	TASK AREA NUMBER	WORK UNIT NUMBER	
a. PRIMARY		NPCP	0	0		
b. CONTRIBUTING						
c. CONTRIBUTING						
11. TITLE (Precede with Security Classification Code)						
12. SUBJECT AREAS ←						

11. TITLE

The title should describe the objective of the work being performed and its military relevance. **The title must be unclassified.** Enter a "U" in front of the title.

12. SUBJECT AREAS

These are the technological topics that expand on the title. Choose from the list titled "Subject Fields and Groups" on the reverse side of DD FORM 1540. Enter both the topic(s) and the code(s) from the list. Separate each subject area entry with a semicolon.

Naval Potential Contractor Program

DD FORM 1498

13. START DATE

Enter year and month the work will begin (e.g., 0104 for April 2001).

14. ESTIMATED COMPLETION DATE

Enter the year and month the work will be completed (e.g., 0409 for September 2004).

15. FUNDING ORGANIZATION

Pre-entered "DN" for Department of the Navy.

16. PERFORMANCE METHOD

Leave blank.

13. START DATE		14. ESTIMATED COMPLETION DATE		15. FUNDING ORGANIZATION DN		16. PERFORMANCE METHOD	
17. CONTRACT/GRANT				18. RESOURCES ESTIMATE			
a. DATE EFFECTIVE		EXPIRATION		FISCAL YEARS		a. PROFESSIONAL WORK YEARS	
b. CONTRACT/GRANT NUMBER						b. FUNDS (In thousands)	
c. TYPE J.FFP		d. AMOUNT \$0				\$0	
e. KIND OF AWARD		f. CUM/TOTAL					

17. CONTRACT/GRANT

Leave blank.

a. DATE EFFECTIVE

For a NEW agreement, leave blank. For a CHANGE, CORRECTION, or COMPLETION summary, enter the dates of the NPCP Agreement.

b. CONTRACT/GRANT NUMBER

For a NEW agreement, leave blank. For a CHANGE, TERMINATION, CORRECTION, or COMPLETION summary, fill in the NPCP agreement number.

c. TYPE

Pre-entered "J.FFP"

d. AMOUNT

Pre-entered "\$0"

e. KIND OF AWARD

Enter either "New" or "Con" to indicate whether this is a new or continuing project.

f. CUM/TOTAL (Cumulative Total)

For a NEW summary, leave blank. For a CHANGE, TERMINATION, CORRECTION, or COMPLETION summary, enter the total dollar amount for the entire project.

18. RESOURCES ESTIMATE

FISCAL YEARS

Enter the preceding and current fiscal years.

a. PROFESSIONAL WORK YEARS

Enter estimates of professional level of effort (to the nearest tenth of a work year) for each year specified in 18.

b. FUNDS

Pre-entered "\$0"

Naval Potential Contractor Program

DD FORM 1498

19. RESPONSIBLE DOD ORGANIZATION

a. NAME

If not pre-entered, enter the name of the sponsoring activity.

b. ADDRESS

If not pre-entered, enter the address of the sponsoring activity.

c. NAME OF RESPONSIBLE INDIVIDUAL

If not already entered, enter surname first, then first name, include Naval activity code (in parentheses) on the same line. NOTE: The Responsible Individual (RI) from the DoD activity will confer directly with the Principal Investigator (PI) from the NPCP-APO. The RI will approve/disapprove all requests/work under this NPCP agreement.

d. TELEPHONE NUMBER

Enter the area code and number of the RI identified in 19c.

19. RESPONSIBLE DOD ORGANIZATION	20. PERFORMING ORGANIZATION
a. NAME	a. NAME
b. ADDRESS (Include ZIP code)	b. ADDRESS (Include ZIP code)
c. NAME OF RESPONSIBLE INDIVIDUAL	c. NAME OF PRINCIPAL INVESTIGATOR
d. TELEPHONE NUMBER (Include Area code)	d. TELEPHONE NUMBER (Include Area code)
21. GENERAL USE	e. NAME OF ASSOCIATE INVESTIGATOR (If available)
MILITARY/CIVILIAN APPLICATION:	f. NAME OF ASSOCIATE INVESTIGATOR (If available)

20. PERFORMING ORGANIZATION (items a through f)

Enter the complete address of the applicant. Enter the surname of the PI and associate investigators first, followed by the first name.

21. GENERAL USE

Enter "M" if the application of the technology development is for military use only.
Enter "C" if the application is both civilian and military.

Naval Potential Contractor Program

DD FORM 1498

22. KEYWORDS

Enter the NPCP as the first word. Use at least three additional words (less than 50 characters each) that express the major concepts of the technical effort being described. Examples of keywords are countermeasure acoustics, sonar research, and unmanned undersea vehicles. Precede each keyword or set of keywords with classification codes (U) for UNCLASSIFIED, (C) for CONFIDENTIAL, or (S) for SECRET to identify overall classification of the subject matter. If "C" is entered in block 21, use "PAT" or "INV" if a patent or invention has resulted or is expected from this work.

22. KEYWORDS (Precede EACH with Security Classification Code)

23. TECHNICAL OBJECTIVE 24. APPROACH 25. PROGRESS (Precede text of each with Security Classification Code)

DD Form 1498, AUG 1999

PREVIOUS EDITION IS OBSOLETE.

23. TECHNICAL OBJECTIVE

Provide a concise statement describing the principal technical objective and identify the work's relevancy to the defense mission.

24. APPROACH

Describe the planned steps or phrases to be conducted to reach the stated objective.

25. PROGRESS

Enter the dates covered by this summary (e.g., 0107-0112 for July 2001 through December 2001). Provide progress information in accordance with the type of summary identified in block 4. List and attach copies of relevant reports and presentations, if not already provided to the RI.

Naval Potential Contractor Program: Section 4

NPCP Policy Agreement

A Policy Agreement is required at the start of each NPCP project.

This form officially records your participation in the NPCP program. The agreement establishes the following:

1. the conditions under which the Naval sponsoring activity will provide the NPCP-APO access to Government documents needed for the NPCP project;
2. that the materials furnished are not to be construed as a request for proposal, as a commitment from the Government to issue a contract, or as authority for the NPCP-APO to incur expenses in anticipation of a Government contract, or as a basis of claim against the Government;
3. that the NPCP-APO will perform the efforts/study documented on DD FORM 1498; and
4. that the NPCP-APO will furnish annual progress and completion information on the objective(s) undertaken.

The following steps describe how to fill out the form.

Naval Potential Contractor Program

Policy Agreement

Check one of the three boxes at the top of the form.

NAME OF ORGANIZATION & MAILING ADDRESS

Enter the applicant's name and address.

SIGNATURE OF SENIOR OFFICIAL & DATE

Sign and date the agreement.

TYPED NAME AND TITLE

Enter the name and title of the individual who signed the agreement above.

NPCP SPONSORING ACTIVITY AND ADDRESS

If not pre-entered, leave blank.

SIGNATURE OF NPCP MANAGER & DATE

Leave blank.

TYPED NAME AND TITLE

Leave blank.

NAME OF ORGANIZATION AND MAILING ADDRESS		NPCP SPONSORING ACTIVITY AND ADDRESS	
SIGNATURE OF SENIOR OFFICIAL DATE		SIGNATURE OF NPCP MANAGER DATE	
TYPED NAME AND TITLE		TYPED NAME AND TITLE	

CERTIFICATE

NOTE: When a corporation is a party hereto, this certificate must be executed by a corporate officer other than the official who signed the above agreement on behalf of the corporation.

I, _____ certify that I am _____ of the corporation that _____, who signed this agreement on behalf of the Corporation, was then _____ of said corporation; that said agreement was duly signed for and in behalf of said corporation by authority of its governing body, and is within the scope of its corporate powers.

(Corporate Seal)

Signature

CERTIFICATE

First space: Name of a corporate officer other than the official who signed the above agreement.

Second space: Title of the corporate officer named in the first space.

Third space: Name of the corporate officer who signed the above agreement.

Fourth space: Title of the corporate officer who signed the above agreement.

Signature line: The corporate officer named in the first space should sign the certificate.

CORPORATE SEAL

If the applicant is a corporation, a corporate seal must be stamped at the lower-left corner of the form.

Naval Potential Contractor Program: Section 5

DD FORM 2345 - Militarily Critical Technical Data Agreement

DD FORM 2345 is required for access to export-controlled information (i.e., information containing militarily critical technical data).

IMPORTANT NOTES:

- 1. Even if the applicant is approved to view SECRET information, it cannot view export-controlled information without a certification number from the Defense Logistics Information Service (DLIS).**
- 2. The Data Custodian name entered in block 3a must be the same as the PI on DD FORM 1498, block 20a, and as the Attention Name on DD FORM 1540, block 4a.**
- 3. If the applicant is a company, attach to the form a copy of the incorporation certificate, business license, sales tax payment, or federal identification number.**
- 4. Although the form provides the DLIS address, send it with the other NPCP application forms to the NPCP sponsoring activity.**

The information on the following three pages complements the instructions furnished on the reverse of DD FORM 2345.

The DLIS will review the DD FORM 2345 within five working days and either approve the application, return it because of insufficient information, or initiate rejection action if the submittal does not meet the eligibility requirements.

When the DLIS approves access to export-controlled information for an applicant, it enters a certification number on the form, returns the original form to the applicant, and sends a copy to the NPCP sponsoring activity. The certification is effective for 5 years, even though the NPCP itself is valid for a maximum of 3 years.

Naval Potential Contractor Program

DD FORM 2345

1. TYPE OF SUBMISSION

Mark the appropriate box next to the category which describes if this submission is initial, a resubmission, a revision to a previous submission, or a 5-year renewal.

2. INDIVIDUAL OR ENTERPRISE DATA

a. NAME

For an enterprise, enter the full name of corporate entity or institution. If applicable, the full name of the corporate parent must be entered in Block 2a and the name of the subsidiary applying for certified contractor status entered in Block 2c. Please note that each corporate subsidiary, including field sales offices, division, or department that is to receive militarily critical technical data, must be certified separately.

b. ADDRESS

The street address of the applicant.

d. FSCM/FSCNM/CAGE/DSS VENDOR CODE

If your facility has been issued a CAGE or DSS Vendor Code, enter it here. If no such code has been assigned, enter N/A.

MILITARILY CRITICAL TECHNICAL DATA AGREEMENT <i>(Please read Privacy Act Statement and Instructions on back before completing this form.)</i>		Form Approved OMB No. 0704-0207 Expires Jun 30, 2001
The public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0207), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO: UNITED STATES/CANADA JOINT CERTIFICATION OFFICE, DEFENSE LOGISTICS INFORMATION SERVICE, FEDERAL CENTER, 74 WASHINGTON AVE., NORTH, BATTLE CREEK, MI USA 49017-3084		
1. TYPE OF SUBMISSION <i>(X one)</i> <input type="checkbox"/> a. INITIAL SUBMISSION <input type="checkbox"/> b. RESUBMISSION <input type="checkbox"/> c. REVISION <input type="checkbox"/> d. 5-YEAR RENEWAL		
2. INDIVIDUAL OR ENTERPRISE DATA <i>(Referred to as a "certified contractor" upon acceptance of certification by the U.S./Canada - JCO)</i>		
a. NAME		b. ADDRESS <i>(include Province and/or 9-digit ZIP Code)</i>
c. NAME OF SUBSIDIARY/DIVISION		
d. FSCM/FSCNM/CAGE/DSS VENDOR CODE		e. TELEPHONE NUMBER <i>(include Area Code)</i>
3. DATA CUSTODIAN		
a. NAME OR POSITION DESIGNATION <i>(See Instructions)</i>		b. BUSINESS MAILING ADDRESS <i>(include Province and/or 9-digit ZIP Code)</i>
c. TELEPHONE NUMBER <i>(include Area Code)</i>		
d. TITLE		

3. DATA CUSTODIAN

a. NAME OR POSITION DESIGNATION

Enter the name and position of the person who will be responsible for receiving and disseminating militarily critical technical data; only one person can be named as Data Custodian. In the case of an enterprise, the person named or filling the position listed must be a salaried employee of the enterprise.

IMPORTANT NOTE: The Data Custodian must be the PI named on DD FORM 1498, block 20a, and the Attention Name entered on DD FORM 1540, block 4a.

b. BUSINESS MAILING ADDRESS

Enter the classified mailing address of the person named in Block 3a. This address may include a post office box number.

c. TELEPHONE NUMBER

Enter the appropriate information.

d. TITLE

Enter the name of your job position.

Naval Potential Contractor Program

DD FORM 2345

4. DESCRIPTION OF RELEVANT BUSINESS ACTIVITY

The information provided here is a key element of the certification process, because it will be used for two purposes. First, it will be one basis for approving or disapproving applications. Second, it will be used by controlling authorities as a basis for approving or disapproving specific requests for technical data. Consequently, make sure the description of your business activity is sufficiently detailed to justify requests for any data you expect to need. If research, development, testing, or evaluation activities are stated, include a brief description of the specific areas being investigated. If manufacturing activities are stated, include a brief description of the specific products manufactured and their applications. If service activities are stated, include a brief description of the type of service provided. You should not include proprietary or sensitive information, because everything you put down on form DD FORM 2345 will be publicly available.

4. DESCRIPTION OF RELEVANT BUSINESS ACTIVITY (Print or Type)			
5. AS A CONDITION OF RECEIVING MILITARILY CRITICAL TECHNICAL DATA, THE INDIVIDUAL OR ENTERPRISE CERTIFIES THAT:			
a. (1) CITIZENSHIP/RESIDENCY STATUS The individual designated either by name or position designation in Item 3, who will act as custodian of the militarily critical technical data on behalf of the Contractor is: (X) (a), (b), (c), or (d)		c. (2) agree not to disseminate militarily critical technical data in a manner that would violate applicable U.S. or Canadian export control laws and regulations	
<input type="checkbox"/> (a) A U.S. CITIZEN		<input type="checkbox"/> (b) A CANADIAN CITIZEN	
or a person admitted lawfully for permanent residence into:		d. They will not provide access to militarily critical technical data to persons other than their employees or eligible persons designated by the registrant to act on their behalf unless such access is permitted by U.S. DoDD 5230.25, Canada's TDCR or by the U.S. or Canadian Government agency that provided the technical data	
<input type="checkbox"/> (c) THE UNITED STATES		<input type="checkbox"/> (d) CANADA	
(2) BUSINESS LOCATION. Business of individual listed in Item 3 is located in:		e. No person employed by the enterprise or eligible persons designated by the registrant to act on their behalf, who will have access to militarily critical technical data, is debarrred, suspended, or otherwise ineligible to perform on U.S. or Canadian Government contracts or has violated U.S. or contravened Canadian export control laws or has had a certification revoked under the provisions of U.S. DoDD 5230.25 or Canada's TDCR.	
<input type="checkbox"/> (a) THE UNITED STATES		<input type="checkbox"/> (b) CANADA	
b. The data are needed to bid or perform on a contract with any agency of the U.S. Government or the Canadian Government or for other legitimate business activities in which the contractor is engaged, or plans to engage		f. They are not themselves debarrred, suspended, or otherwise ineligible to perform on U.S. or Canadian Government contracts, and have not violated U.S. or contravened Canadian export control laws, and have not had a certification revoked under the provisions of U.S. DoDD 5230.25 or Canada's TDCR	
c. They (1) acknowledge all responsibilities under applicable U.S. export control laws and regulations (including the obligation, under certain circumstances, to obtain an export license from the U.S. Government prior to the release of militarily critical technical data within the United States) or applicable Canadian Export control laws and regulations, and			
6. CONTRACTOR CERTIFICATION			
I certify that the information and certifications made by me are true, complete, and accurate to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both. (For U.S. contractors see U.S. Code, Title 18, Section 1001 and for Canadian contractors see Section 26 of the Defense Production Act)			
a. TYPED NAME (LAST, First, Middle initial)	b. TITLE	c. SIGNATURE	d. DATE SIGNED

5. CITIZENSHIP/RESIDENCY STATUS

The person designated in Block 3a must be a citizen or a person admitted lawfully for permanent residence in to the United States. Enter "X" in the appropriate box.

6. CONTRACTOR CERTIFICATION

If an enterprise is identified in Block 2, a person who can legally obligate the enterprise to a contract must sign in Block 6.

Naval Potential Contractor Program

DD FORM 2345

7a. CERTIFICATION NUMBER

When either the "REVISION" or "5-YEAR RENEWAL" box in Block 1 is marked, the certification number previously assigned to the certified contractor must be entered in Block 7a.

8. DOD OFFICIAL

Leave blank.

9. CANADIAN OFFICIAL

Leave blank.

7. CERTIFICATION ACTION (X One)

<input type="checkbox"/> a. CERTIFICATION ACCEPTED. This certification number, along with a statement of intended data use, must be included with each request for militarily critical technical data.		NUMBER	
<input type="checkbox"/> b. RETURNED. Insufficient information.			
<input type="checkbox"/> c. REJECTED. Does not meet eligibility requirements of DoDD 5230.25 or of Canada's TDCR.			
8. DOD OFFICIAL		9. CANADIAN OFFICIAL	
a. TYPED NAME (LAST, First, Middle Initial)		a. TYPED NAME (LAST, First, Middle Initial)	
b. TITLE		b. TYPED NAME (LAST, First, Middle Initial)	
c. SIGNATURE	d. DATE SIGNED	c. SIGNATURE	d. DATE SIGNED

DD FORM 2345, JUL 1998 (EG)

PREVIOUS EDITION IS OBSOLETE.

Naval Potential Contractor Program: Section 6

DD FORM 1540 - Registration for Scientific and Technical Information Services

Complete the DD FORM 1540, which is required for access to information at NARDIC and from the Defense Technical Information Center (DTIC). For more information on the products and services available from DTIC, see <http://www.dtic.mil>.

Although DD FORM 1540 is a DTIC form, you must return it to the Naval sponsoring activity, which enters the NPCP agreement number and the U.S. Government approval. The back of the form defines access privileges to DoD-held information. The Naval sponsoring activity will forward the DD FORM 1540 to DTIC, which will send a user code to the NPCP-APO.

The following two pages describe how to fill in Sections I and V, which are the only sections to be filled in by an NPCP applicant. Subcontracting under the NPCP program is not allowed.

Naval Potential Contractor Program

DD FORM 1540

1. ORGANIZATION NAME

Enter the name of the applicant organization.

2. SUBORGANIZATION NAME

If applicable, enter the name of the division or department of the applicant organization.

3. ADDRESS (Items a through d)

For receipt of classified documents, this address must be the one for which the facility clearance and storage capability are registered.

4. ATTENTION (Items a through c)

Enter information for the person who will be receiving the documents. This must be the same name as the PI on DD FORM 1498, block 20a, and as the Data Custodian on DD FORM 2345, block 3a.

REGISTRATION FOR SCIENTIFIC AND TECHNICAL INFORMATION SERVICES				Form Approved OMB No. 0704-0264 Expires Jun 30, 2001	
<p>The public reporting burden for this collection of information is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0264), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.</p> <p>PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. SEND YOUR COMPLETED FORM TO: DEFENSE TECHNICAL INFORMATION CENTER, ATTN: DTIC-BCS, 8725 JOHN J. KINGMAN ROAD, SUITE 0944, FORT BELVOIR, VA, 22060-6218.</p>					
SECTION I - GENERAL INFORMATION (All applicants must complete Section I.)				FOR DTIC USE ONLY	
1. ORGANIZATION NAME		2. SUBORGANIZATION NAME		DTIC USER CODE	
3.a. STREET ADDRESS		b. CITY	c. STATE	d. ZIP CODE	RENEWAL DATE (YYYYMMDD)
4. ATTENTION				USER TYPE	
a. NAME (Last, First, Middle Initial)		b. POSITION/TITLE		c. OFFICE SYMBOL	
5. TELEPHONE NUMBER (Include area code)		6. FAX NUMBER (Include area code)		CHARGE CODE	ENTITY CODE
a. COMMERCIAL	b. DSN	a. COMMERCIAL	b. DSN	SERVICE LEVEL SPONSOR	CAGE CODE
7. INTERNET E-MAIL ADDRESS		8.a. PRIME CONTRACT NUMBER (Or other appropriate number) (Contractors only)		b. EXPIRATION DATE (YYYYMMDD)	
				FACILITY SECURITY CLEARANCE	
				SECURITY CLEARANCE	

5. TELEPHONE NUMBER (Items a and b)

Enter the number of the applicant organization.

6. FAX NUMBER (Items a and b)

Enter the number of the applicant organization.

7. INTERNET E-MAIL ADDRESS

Enter the e-mail address of the person listed in Block 4a.

Naval Potential Contractor Program

DD FORM 1540

8a. PRIME CONTACT NUMBER

Leave blank.

8b. EXPIRATION DATE

Leave blank.

9. CURRENT OR FORMER USER

Put an "X" in one of the boxes. If YES, enter the DTIC code.

10. MILITARILY CRITICAL TECHNICAL DATA AGREEMENT CERTIFICATION NUMBER

Enter the number on DD FORM 2345, section 7, as assigned by the DLIS.

11. TYPE OF ACCESS DESIRED

Put an "X" in the boxes designating levels of access requested.

7. INTERNET E-MAIL ADDRESS		8.a. PRIME CONTRACT NUMBER (Or other appropriate number) (Contractors only)		b. EXPIRATION DATE (YYYYMMDD)		FACILITY SECURITY CLEARANCE	
						SECURITY CLEARANCE	
9. CURRENT OR FORMER USER (X one) <input type="checkbox"/> YES (Enter DTIC user code) <input type="checkbox"/> NO		10. MILITARILY CRITICAL TECHNICAL DATA AGREEMENT CERTIFICATION NUMBER (Contractors only)		TYPE		RD	CNWDI SIGMA
11. TYPE OF ACCESS DESIRED (X as applicable) <input type="checkbox"/> UNCLASSIFIED/UNLIMITED <input type="checkbox"/> UNCLASSIFIED/LIMITED <input type="checkbox"/> CONFIDENTIAL <input type="checkbox"/> SECRET <input type="checkbox"/> RESTRICTED DATA <input type="checkbox"/> CNWDI <input type="checkbox"/> NATO							
SECTION II - SECURITY OFFICER (All U.S. Government organizations must complete Section II if requesting access to classified data.)							
12. SECURITY OFFICER CERTIFICATION I certify that the organization listed in Section I may receive and store classified data at the access level indicated in Section I.							
a. NAME (Last, First, Middle Initial)				b. ORGANIZATION NAME			
c. (1) STREET ADDRESS				(2) CITY		c. STATE	d. ZIP CODE
d. TELEPHONE NUMBER (Include area code) (1) COMMERCIAL (2) DSN		e. SIGNATURE			f. DATE SIGNED (YYYYMMDD)		

SECTIONS II, III and IV

Leave blank.

SECTION V - SUBJECT FIELDS AND GROUPS

BACK OF FORM

Enter an "X" in front of the topics that apply to documents needed by the applicant **AND** are applicable to this NPCP agreement.

Naval Potential Contractor Program: Section 7

Blank Forms

If you are viewing this guidebook electronically:

Blank forms are attached as pdf and/or Word files.

If you are reading a paper copy of this guidebook:

Blank copyable application forms follow.

Tab 1

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MATERIAL INSPECTION AND RECEIVING REPORT

Form Approved
OMB No. 0704-0248

The public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0248), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE ABOVE ADDRESS.
SEND THIS FORM IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED IN THE DFARS, APPENDIX F-401.**

1. PROCUREMENT INSTRUMENT IDENTIFICATION (CONTRACT) NO.				ORDER NO.		6. INVOICE NO./DATE		7. PAGE OF		8. ACCEPTANCE POINT			
2. SHIPMENT NO.		3. DATE SHIPPED		4. B/L TCN				5. DISCOUNT TERMS					
9. PRIME CONTRACTOR CODE				10. ADMINISTERED BY CODE									
11. SHIPPED FROM (If other than 9) CODE				FOB:				12. PAYMENT WILL BE MADE BY CODE					
13. SHIPPED TO CODE				14. MARKED FOR CODE									
15. ITEM NO.		16. STOCK/PART NO. DESCRIPTION <small>(Indicate number of shipping containers - type of container - container number.)</small>				17. QUANTITY SHIP/REC'D*		18. UNIT		19. UNIT PRICE		20. AMOUNT	
21. CONTRACT QUALITY ASSURANCE <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> a. ORIGIN <input type="checkbox"/> CQA <input type="checkbox"/> ACCEPTANCE of listed items has been made by me or under my supervision and they conform to contract, except as noted herein or on supporting documents. </div> <div style="width: 48%;"> b. DESTINATION <input type="checkbox"/> CQA <input type="checkbox"/> ACCEPTANCE of listed items has been made by me or under my supervision and they conform to contract, except as noted herein or on supporting documents. </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> DATE _____ SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE _____ TYPED NAME: _____ TITLE: _____ MAILING ADDRESS: _____ COMMERCIAL TELEPHONE NUMBER: _____ </div> <div style="width: 48%;"> DATE _____ SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE _____ TYPED NAME: _____ TITLE: _____ MAILING ADDRESS: _____ COMMERCIAL TELEPHONE NUMBER: _____ </div> </div>						22. RECEIVER'S USE Quantities shown in column 17 were received in apparent good condition except as noted. DATE RECEIVED _____ SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE _____ TYPED NAME: _____ TITLE: _____ MAILING ADDRESS: _____ COMMERCIAL TELEPHONE NUMBER: _____ <i>* If quantity received by the Government is the same as quantity shipped, indicate by (X) mark; if different, enter actual quantity received below quantity shipped and encircle.</i>							
23. CONTRACTOR USE ONLY													

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Tab 2

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DEPARTMENT OF DEFENSE CONTRACT SECURITY CLASSIFICATION SPECIFICATION <i>(The requirements of the DoD Industrial Security Manual apply to all security aspects of this effort.)</i>				1. CLEARANCE AND SAFEGUARDING a. FACILITY CLEARANCE REQUIRED b. LEVEL OF SAFEGUARDING REQUIRED																																																																																					
2. THIS SPECIFICATION IS FOR: <i>(X and complete as applicable)</i>				3. THIS SPECIFICATION IS: <i>(X and complete as applicable)</i>																																																																																					
a. PRIME CONTRACT NUMBER		a. ORIGINAL <i>(Complete date in all cases)</i>		DATE (YYYYMMDD)																																																																																					
b. SUBCONTRACT NUMBER		b. REVISED <i>(Supersedes all previous specs)</i>		REVISION NO.																																																																																					
c. SOLICITATION OR OTHER NUMBER		DUE DATE (YYYYMMDD)		DATE (YYYYMMDD)																																																																																					
4. IS THIS A FOLLOW-ON CONTRACT? <input type="checkbox"/> YES <input type="checkbox"/> NO. If Yes, complete the following: Classified material received or generated under _____ <i>(Preceding Contract Number)</i> is transferred to this follow-on contract.																																																																																									
5. IS THIS A FINAL DD FORM 254? <input type="checkbox"/> YES <input type="checkbox"/> NO. If Yes, complete the following: In response to the contractor's request dated _____, retention of the classified material is authorized for the period of _____.																																																																																									
6. CONTRACTOR <i>(Include Commercial and Government Entity (CAGE) Code)</i>																																																																																									
a. NAME, ADDRESS, AND ZIP CODE		b. CAGE CODE		c. COGNIZANT SECURITY OFFICE <i>(Name, Address, and Zip Code)</i>																																																																																					
7. SUBCONTRACTOR																																																																																									
a. NAME, ADDRESS, AND ZIP CODE		b. CAGE CODE		c. COGNIZANT SECURITY OFFICE <i>(Name, Address, and Zip Code)</i>																																																																																					
8. ACTUAL PERFORMANCE																																																																																									
a. LOCATION		b. CAGE CODE		c. COGNIZANT SECURITY OFFICE <i>(Name, Address, and Zip Code)</i>																																																																																					
9. GENERAL IDENTIFICATION OF THIS PROCUREMENT																																																																																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">10. CONTRACTOR WILL REQUIRE ACCESS TO:</td> <td style="width: 5%;">YES</td> <td style="width: 5%;">NO</td> <td style="width: 40%;">11. IN PERFORMING THIS CONTRACT, THE CONTRACTOR WILL:</td> <td style="width: 5%;">YES</td> <td style="width: 5%;">NO</td> </tr> <tr> <td>a. COMMUNICATIONS SECURITY (COMSEC) INFORMATION</td> <td></td> <td></td> <td>a. HAVE ACCESS TO CLASSIFIED INFORMATION ONLY AT ANOTHER CONTRACTOR'S FACILITY OR A GOVERNMENT ACTIVITY</td> <td></td> <td></td> </tr> <tr> <td>b. RESTRICTED DATA</td> <td></td> <td></td> <td>b. RECEIVE CLASSIFIED DOCUMENTS ONLY</td> <td></td> <td></td> </tr> <tr> <td>c. CRITICAL NUCLEAR WEAPON DESIGN INFORMATION</td> <td></td> <td></td> <td>c. RECEIVE AND GENERATE CLASSIFIED MATERIAL</td> <td></td> <td></td> </tr> <tr> <td>d. FORMERLY RESTRICTED DATA</td> <td></td> <td></td> <td>d. FABRICATE, MODIFY, OR STORE CLASSIFIED HARDWARE</td> <td></td> <td></td> </tr> <tr> <td>e. INTELLIGENCE INFORMATION</td> <td></td> <td></td> <td>e. PERFORM SERVICES ONLY</td> <td></td> <td></td> </tr> <tr> <td> (1) Sensitive Compartmented Information (SCI)</td> <td></td> <td></td> <td>f. HAVE ACCESS TO U.S. CLASSIFIED INFORMATION OUTSIDE THE U.S., PUERTO RICO, U.S. POSSESSIONS AND TRUST TERRITORIES</td> <td></td> <td></td> </tr> <tr> <td> (2) Non-SCI</td> <td></td> <td></td> <td>g. BE AUTHORIZED TO USE THE SERVICES OF DEFENSE TECHNICAL INFORMATION CENTER (DTIC) OR OTHER SECONDARY DISTRIBUTION CENTER</td> <td></td> <td></td> </tr> <tr> <td>f. SPECIAL ACCESS INFORMATION</td> <td></td> <td></td> <td>h. REQUIRE A COMSEC ACCOUNT</td> <td></td> <td></td> </tr> <tr> <td>g. NATO INFORMATION</td> <td></td> <td></td> <td>i. HAVE TEMPEST REQUIREMENTS</td> <td></td> <td></td> </tr> <tr> <td>h. FOREIGN GOVERNMENT INFORMATION</td> <td></td> <td></td> <td>j. HAVE OPERATIONS SECURITY (OPSEC) REQUIREMENTS</td> <td></td> <td></td> </tr> <tr> <td>i. LIMITED DISSEMINATION INFORMATION</td> <td></td> <td></td> <td>k. BE AUTHORIZED TO USE THE DEFENSE COURIER SERVICE</td> <td></td> <td></td> </tr> <tr> <td>j. FOR OFFICIAL USE ONLY INFORMATION</td> <td></td> <td></td> <td>l. OTHER <i>(Specify)</i></td> <td></td> <td></td> </tr> <tr> <td>k. OTHER <i>(Specify)</i></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>						10. CONTRACTOR WILL REQUIRE ACCESS TO:	YES	NO	11. IN PERFORMING THIS CONTRACT, THE CONTRACTOR WILL:	YES	NO	a. COMMUNICATIONS SECURITY (COMSEC) INFORMATION			a. HAVE ACCESS TO CLASSIFIED INFORMATION ONLY AT ANOTHER CONTRACTOR'S FACILITY OR A GOVERNMENT ACTIVITY			b. RESTRICTED DATA			b. RECEIVE CLASSIFIED DOCUMENTS ONLY			c. CRITICAL NUCLEAR WEAPON DESIGN INFORMATION			c. RECEIVE AND GENERATE CLASSIFIED MATERIAL			d. FORMERLY RESTRICTED DATA			d. FABRICATE, MODIFY, OR STORE CLASSIFIED HARDWARE			e. INTELLIGENCE INFORMATION			e. PERFORM SERVICES ONLY			(1) Sensitive Compartmented Information (SCI)			f. HAVE ACCESS TO U.S. CLASSIFIED INFORMATION OUTSIDE THE U.S., PUERTO RICO, U.S. POSSESSIONS AND TRUST TERRITORIES			(2) Non-SCI			g. BE AUTHORIZED TO USE THE SERVICES OF DEFENSE TECHNICAL INFORMATION CENTER (DTIC) OR OTHER SECONDARY DISTRIBUTION CENTER			f. SPECIAL ACCESS INFORMATION			h. REQUIRE A COMSEC ACCOUNT			g. NATO INFORMATION			i. HAVE TEMPEST REQUIREMENTS			h. FOREIGN GOVERNMENT INFORMATION			j. HAVE OPERATIONS SECURITY (OPSEC) REQUIREMENTS			i. LIMITED DISSEMINATION INFORMATION			k. BE AUTHORIZED TO USE THE DEFENSE COURIER SERVICE			j. FOR OFFICIAL USE ONLY INFORMATION			l. OTHER <i>(Specify)</i>			k. OTHER <i>(Specify)</i>					
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k. OTHER <i>(Specify)</i>																																																																																									

12. PUBLIC RELEASE. Any information (*classified or unclassified*) pertaining to this contract shall not be released for public dissemination except as provided by the Industrial Security Manual or unless it has been approved for public release by appropriate U.S. Government authority. Proposed public releases shall be submitted for approval prior to release ☐ Direct ☐ Through (*Specify*)

to the Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs)* for review.

*In the case of non-DoD User Agencies, requests for disclosure shall be submitted to that agency.

13. SECURITY GUIDANCE. The security classification guidance needed for this classified effort is identified below. If any difficulty is encountered in applying this guidance or if any other contributing factor indicates a need for changes in this guidance, the contractor is authorized and encouraged to provide recommended changes; to challenge the guidance or the classification assigned to any information or material furnished or generated under this contract; and to submit any questions for interpretation of this guidance to the official identified below. Pending final decision, the information involved shall be handled and protected at the highest level of classification assigned or recommended. (*Fill in as appropriate for the classified effort. Attach, or forward under separate correspondence, any documents/guides/extracts referenced herein. Add additional pages as needed to provide complete guidance.*)

14. ADDITIONAL SECURITY REQUIREMENTS. Requirements, in addition to ISM requirements, are established for this contract. ☐ Yes ☐ No
(*If Yes, identify the pertinent contractual clauses in the contract document itself, or provide an appropriate statement which identifies the additional requirements. Provide a copy of the requirements to the cognizant security office. Use Item 13 if additional space is needed.*)

15. INSPECTIONS. Elements of this contract are outside the inspection responsibility of the cognizant security office. ☐ Yes ☐ No
(*If Yes, explain and identify specific areas or elements carved out and the activity responsible for inspections. Use Item 13 if additional space is needed.*)

16. CERTIFICATION AND SIGNATURE. Security requirements stated herein are complete and adequate for safeguarding the classified information to be released or generated under this classified effort. All questions shall be referred to the official named below.

a. TYPED NAME OF CERTIFYING OFFICIAL	b. TITLE	c. TELEPHONE (<i>Include Area Code</i>)
d. ADDRESS (<i>Include Zip Code</i>)		17. REQUIRED DISTRIBUTION <input type="checkbox"/> a. CONTRACTOR <input type="checkbox"/> b. SUBCONTRACTOR <input type="checkbox"/> c. COGNIZANT SECURITY OFFICE FOR PRIME AND SUBCONTRACTOR <input type="checkbox"/> d. U.S. ACTIVITY RESPONSIBLE FOR OVERSEAS SECURITY ADMINISTRATION <input type="checkbox"/> e. ADMINISTRATIVE CONTRACTING OFFICER <input type="checkbox"/> f. OTHERS AS NECESSARY
e. SIGNATURE		

Tab 3

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Form Approved
OMB No. 0704-0188

The public reporting burden for this collection of information is estimated to average 110 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0701-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to the above address. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.

A. CONTRACT LINE ITEM NO.		B. EXHIBIT	C. CATEGORY: TDP _____ TM _____ OTHER _____				
D. SYSTEM/ITEM		E. CONTRACT/PR NO.		F. CONTRACTOR			
1. DATA ITEM NO.	2. TITLE OF DATA ITEM		3. SUBTITLE				
4. AUTHORITY (<i>Data Acquisition Document No.</i>)		5. CONTRACT REFERENCE		6. REQUIRING OFFICE			
7. DD 250 REQ	9. DIST STATEMENT REQUIRED	10. FREQUENCY	12. DATE OF FIRST SUBMISSION				
8. APP CODE		11. AS OF DATE	13. DATE OF SUBSEQUENT SUBMISSION				
16. REMARKS			14. DISTRIBUTION				
			a. ADDRESSEE	b. COPIES			
				Draft	Final Reg	Repro	
						15. TOTAL →	0 0 C
			G. PREPARED BY		H. DATE	I. APPROVED BY	
						J. DATE	

18. ESTIMATED TOTAL PRICE	
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CONTRACT DATA REQUIREMENTS LIST*(1 Data Item)*

A. CONTRACT LINE ITEM NO.	B. EXHIBIT	C. CATEGORY: TDP _____ TM _____ OTHER _____
D. SYSTEM/ITEM	E. CONTRACT/PR NO.	F. CONTRACTOR

16. REMARKS *(Continued)*

INSTRUCTIONS FOR COMPLETING DD FORM 1423

(See DoD 5010.12-M for detailed instructions.)

FOR GOVERNMENT PERSONNEL

Item A. Self-explanatory.

Item B. Self-explanatory.

Item C. Mark (X) appropriate category: TDP - Technical Data Package; TM - Technical Manual; Other - other category of data, such as "Provisioning," "Configuration Management," etc.

Item D. Enter name of system/item being acquired that data will support.

Item E. Self-explanatory (to be filled in after contract award).

Item F. Self-explanatory (to be filled in after contract award).

Item G. Signature of preparer of CDRL.

Item H. Date CDRL was prepared.

Item I. Signature of CDRL approval authority.

Item J. Date CDRL was approved.

Item 1. See DoD FAR Supplement Subpart 4.71 for proper numbering.

Item 2. Enter title as it appears on data acquisition document cited in Item 4.

Item 3. Enter subtitle of data item for further definition of data item (optional entry).

Item 4. Enter Data Item Description (DID) number, military specification number, or military standard number listed in DoD 5010.12-L (AMSDL), or one-time DID number, that defines data content and format requirements.

Item 5. Enter reference to tasking in contract that generates requirement for the data item (e.g., Statement of Work paragraph number).

Item 6. Enter technical office responsible for ensuring adequacy of the data item.

Item 7. Specify requirement for inspection/acceptance of the data item by the Government.

Item 8. Specify requirement for approval of a draft before preparation of the final data item.

Item 9. For technical data, specify requirement for contractor to mark the appropriate distribution statement on the data (ref. DoDD 5230.24).

Item 10. Specify number of times data items are to be delivered.

Item 11. Specify as-of date of data item, when applicable.

Item 12. Specify when first submittal is required.

Item 13. Specify when subsequent submittals are required, when applicable.

Item 14. Enter addressees and number of draft/final copies to be delivered to each addressee. Explain reproducible copies in Item 16.

Item 15. Enter total number of draft/final copies to be delivered.

Item 16. Use for additional/clarifying information for Items 1 through 15. Examples are: Tailoring of documents cited in Item 4; Clarification of submittal dates in Items 12 and 13; Explanation of reproducible copies in Item 14.; Desired medium for delivery of the data item.

FOR THE CONTRACTOR

Item 17. Specify appropriate price group from one of the following groups of effort in developing estimated prices for each data item listed on the DD Form 1423.

a. Group I. Definition - Data which is not otherwise essential to the contractor's performance of the primary contracted effort (production, development, testing, and administration) but which is required by DD Form 1423.

Estimated Price - Costs to be included under Group I are those applicable to preparing and assembling the data item in conformance with Government requirements, and the administration and other expenses related to reproducing and delivering such data items to the Government.

b. Group II. Definition - Data which is essential to the performance of the primary contracted effort but the contractor is required to perform additional work to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, or quality of the data item.

Estimated Price - Costs to be included under Group II are those incurred over and above the cost of the essential data item without conforming to Government requirements, and the administrative and other expenses related to reproducing and delivering such data item to the Government.

c. Group III. Definition - Data which the contractor must develop for his internal use in performance of the primary contracted effort and does not require any substantial change to conform to Government requirements with regard to depth of content, format, frequency of submittal, preparation, control, and quality of the data item.

Estimated Price - Costs to be included under Group III are the administrative and other expenses related to reproducing and delivering such data item to the Government.

d. Group IV. Definition - Data which is developed by the contractor as part of his normal operating procedures and his effort in supplying these data to the Government is minimal.

Estimated Price - Group IV items should normally be shown on the DD Form 1423 at no cost.

Item 18. For each data item, enter an amount equal to that portion of the total price which is estimated to be attributable to the production or development for the Government of that item of data. These estimated data prices shall be developed only from those costs which will be incurred as a direct result of the requirement to supply the data, over and above those costs which would otherwise be incurred in performance of the contract if no data were required. The estimated data prices shall not include any amount for rights in data. The Government's right to use the data shall be governed by the pertinent provisions of the contract.

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SAMPLE

CONTRACT DATA REQUIREMENTS LIST

(1 Data Item)

Form Approved

OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 110 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503. Please DO NOT RETURN your form to either of these addresses. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.

27

A. CONTRACT LINE ITEM NO. 0002		B. EXHIBIT A		C. CATEGORY: TDP _____ TM _____ OTHER <input checked="" type="checkbox"/> X	
D. SYSTEM/ITEM F-15 NAVIGATION ATS		E. CONTRACT/PR NO. F41608-95-C-0044		F. CONTRACTOR LEAVE BLANK UNLESS CONTRACTOR IS SOLE SOURCE	
1. DATA ITEM NO. A002	2. TITLE OF DATA ITEM SCIENTIFIC AND TECHNICAL REPORTS			3. SUBTITLE	
4. AUTHORITY (Data Acquisition Document No.) DI-MISC-80711		5. CONTRACT REFERENCE SOW PARA OR CONTRACTOR'S PROPOSAL PARA		6. REQUIRING OFFICE SA-ALC/ABC	
7. DD 250 REQ LT	9. DIST STATEMENT REQUIRED D	10. FREQUENCY AS REQ	12. DATE OF FIRST SUBMISSION SEE BLK 16	18. DISTRIBUTION	
8. APP CODE A		11. AS OF DATE N/A	13. DATE OF SUBSEQUENT SUBMISSION SEE BLK 16	b. COPIES	
				a. ADDRESSEE	Final Reg Repro
15. REMARKS BLK 4: CONTRACTOR FORMAT ACCEPTABLE. CONTRACTOR SHALL PREPARE SF FORM 298 AS THE FIRST PAGE OF THE FRONT MATTER. IT WILL NOT CARRY A PAGE NUMBER, ALTHOUGH IT OCCUPIES PAGES i AND ii. BLKS 8,10,12,13: DRAFT SHALL BE DELIVERED WITHIN 210 DAYS AFTER CONTRACT AWARD. THE GOVERNMENT WILL PROVIDE COMMENTS WITHIN 30 DAYS AFTER RECEIPT. THE CONTRACTOR SHALL INCORPORATE GOVERNMENT COMMENTS AND SUBMIT FINAL WITHIN 30 DAYS AFTER RECEIPT OF GOVERNMENT COMMENT. BLK 9: DISTRIBUTION AUTHORIZED TO DEPARTMENT OF DEFENSE (DOD) AND DOD CONTRACTORS ONLY; (FILL IN REASON FROM LIST IN AFI61-204); (DATE STATEMENT APPLIED). OTHER REQUESTS SHALL BE REFERRED TO (INSERT CONTROLLING DOD OFFICE). BLK 14: REPRODUCIBLE SHALL BE A CAMERA-READY COPY.				SA-ALC/ABC (Complete address)	1 2 1
				SA-ALC/PKA (Contract Specialist) (Full Address)	LT LT 0
				SA-ALC/DM (Data Manager) (Full Address)	LT LT 0
				15. TOTAL	1 2 1
G. PREPARED BY NAME/SYMBOL/PHONE/		H. DATE 23 Sep 95		I. APPROVED BY NAME/SYMBOL/Phone/	
				J. DATE 23 Sep 95	

DATA MANAGER/SYMBOL/PHONE/DATE

NOTICE

NOTICE

NOTICE

DoD Directive 5230.24, "Distribution Statements on Technical Documents," 18 Mar 87, contains seven distribution statements, as described briefly below. Technical Documents must be assigned distribution statements.

DISTRIBUTION STATEMENT A:

APPROVED FOR PUBLIC RELEASE; DISTRIBUTION IS UNLIMITED.

DISTRIBUTION STATEMENT B:

DISTRIBUTION AUTHORIZED TO U.S. GOVERNMENT AGENCIES ONLY; (FILL IN REASON); (DATE STATEMENT APPLIED). OTHER REQUESTS FOR THIS DOCUMENT SHALL BE REFERRED TO (INSERT CONTROLLING DoD OFFICE).

DISTRIBUTION STATEMENT C:

DISTRIBUTION AUTHORIZED TO U.S. GOVERNMENT AGENCIES AND THEIR CONTRACTORS; (FILL IN REASON); (DATE STATEMENT APPLIED). OTHER REQUESTS FOR THIS DOCUMENT SHALL BE REFERRED TO (INSERT CONTROLLING DoD OFFICE).

DISTRIBUTION STATEMENT D:

DISTRIBUTION AUTHORIZED TO DoD AND DoD CONTRACTORS ONLY; (FILL IN REASON); (DATE STATEMENT APPLIED). OTHER REQUESTS SHALL BE REFERRED TO (INSERT CONTROLLING DoD OFFICE).

DISTRIBUTION STATEMENT E:

DISTRIBUTION AUTHORIZED TO DoD COMPONENTS ONLY; (FILL IN REASON); (DATE STATEMENT APPLIED). OTHER REQUESTS SHALL BE REFERRED TO (INSERT CONTROLLING DoD OFFICE).

DISTRIBUTION STATEMENT F:

FURTHER DISTRIBUTION ONLY AS DIRECTED BY (INSERT CONTROLLING DoD OFFICE AND DATE), OR HIGHER DoD AUTHORITY.

DISTRIBUTION STATEMENT X:

DISTRIBUTION AUTHORIZED TO U.S. GOVERNMENT AGENCIES AND PRIVATE INDIVIDUALS OR ENTERPRISES ELIGIBLE TO OBTAIN EXPORT-CONTROLLED TECHNICAL DATA IN ACCORDANCE WITH DoD DIRECTIVE 5230.25 (DATE STATEMENT APPLIED). CONTROLLING DoD OFFICE IS (INSERT).

For further information on withholding of export-controlled, unclassified technical data see DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," issued 6 November 1984.

If you have any questions concerning these distribution statements, please call DTIC's Selection Dept on (703)767-8040 or DSN 427-8040.

CONTRACT DATA REQUIREMENTS LIST

(1 Data Item)

Form Approved
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 220 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503. Please DO NOT RETURN your form to either of these addresses. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.

A. CONTRACT LINE ITEM NO. B. EXHIBIT C. CATEGORY: N/A REF: DOD 5010.12-L AMSDL
TDP _____ TM _____ OTHER _____

D. SYSTEM/ITEM E. CONTRACT/PR NO. F. CONTRACTOR

1. DATA ITEM NO. 2. TITLE OF DATA ITEM 3. SUBTITLE
SCIENTIFIC AND TECHNICAL REPORTS FINAL REPORT

4. AUTHORITY (Data Acquisition Document No.) 5. CONTRACT REFERENCE 6. REQUIRING OFFICE
DI-MISC-80711/T SEC C, PARA C

7. DD 250 REQ	8. DIST STATEMENT REQUIRED	10. FREQUENCY	12. DATE OF FIRST SUBMISSION	14. DISTRIBUTION			
XX		ONE/R	13MAC	a. ADDRESSEE	b. COPIES		
9. APP CODE		11. AS OF DATE	13. DATE OF SUBSEQUENT SUBMISSION		Draft	Final	
A		12MAC	16MAC		Reg	Repro	
16. REMARKS Tailored to require the official WL emblem to be placed in the upper right hand corner of the front cover with affected entries adjusted as required (WL will supply a copy of the emblem); Block 10, para 10.3 is clarified so that distribution to DTIC will be through Air Force distribution channels. Approval/disapproval by letter from the Air Force within 60 days after receipt. Disapproval requires correction/resubmission within 30 days after receipt of Air Force comments. Draft report shall be unbound, in standard size type, double-spaced and single-sided. Reproducible shall be a CAMERA READY, unbound, suitable for offset reproduction, and shall incorporate all changes made in the corrected draft. All photos shall be glossy finished. Submit the reproducible with the final corrected version only. The contractor is reminded that the DOD Industrial Security Manual, DOD 5220.22M, App II, Para B.2(a) requires that records be maintained when documents derive classified from multiple sources.				WL/XXXX	3	3	1

17. PRICE GROUP

18. ESTIMATED TOTAL PRICE

G. PREPARED BY CELESTE Y RICHARDSON 2046 CCSG/SCXP, (513)255-3125 H. DATE 18AUG92 I. APPROVED BY LESLIE J STEADMAN DATA MANAGER WL/DOR 57466 J. DATE 18AUG92

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CONTRACT DATA REQUIREMENTS LIST (1 Data Item)						Form Approved OMB No. 0704-0188			
Public reporting burden for this collection of information is estimated to average 110 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503. Please DO NOT RETURN your form to either of these addresses. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.									
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D. SYSTEM/ITEM			E. CONTRACT/PR NO.		F. CONTRACTOR				
1. DATA ITEM NO.	2. TITLE OF DATA ITEM				3. SUBTITLE				
	Scientific and Technical Reports				Final Report of SOW Tasks				
4. AUTHORITY (Data Acquisition Document No.) DI-MISC-80711/T			5. CONTRACT REFERENCE			6. REQUIRING OFFICE			
7. DD 250 REQ DD	9. DIST STATEMENT REQUIRED	10. FREQUENCY One/R		12. DATE OF FIRST SUBMISSION See Blk 16		14. DISTRIBUTION			
8. APP CODE A		11. AS OF DATE N/A		13. DATE OF SUBSEQUENT SUBMISSION R/ASR		a. ADDRESSEE	b. COPIES		
							Draft	Final	
							2	Reg	1
						LT			
16. REMARKS Blk 4: Only para 10.3 of DID, blk 10 applies. Prepare IAW AFDTCP 83-2, Handbook for Technical Report Preparation. Submit drafts typed double spaced by LT within 30 days after completion of SOW tasks. Deliver camera ready original by DD 250 within 30 days after receipt of sponsor's written approval of draft. Report covers will be prepared by the STINFO Contractor (Technical Publications).									
15. TOTAL						2		1	
G. PREPARED BY			H. DATE		I. APPROVED BY		J. DATE		

[illegible][illegible]

CONTRACT DATA REQUIREMENTS LIST (1 Data Item)						Form Approved OMB No. 0704-0188			
<small>Public reporting burden for this collection of information is estimated to average 110 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503. Please DO NOT RETURN your form to either of these addresses. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.</small>									
A. CONTRACT LINE ITEM NO.		B. EXHIBIT		C. CATEGORY: TDP _____ TM _____ OTHER _____					
D. SYSTEM/ITEM			E. CONTRACT/PR NO.		F. CONTRACTOR				
1. DATA ITEM NO.	2. TITLE OF DATA ITEM				3. SUBTITLE				
	Scientific and Technical Reports				Final Report of SOW Tasks				
4. AUTHORITY (Data Acquisition Document No.)			5. CONTRACT REFERENCE			6. REQUIRING OFFICE			
DI-MISC-80711/T									
7. DD 250 REQ	9. DIST STATEMENT REQUIRED	10. FREQUENCY		12. DATE OF FIRST SUBMISSION		14. DISTRIBUTION			
DD		One/R		See Blk 16					
8. APP CODE		11. AS OF DATE		13. DATE OF SUBSEQUENT SUBMISSION		a. ADDRESSEE		b. COPIES	
A		N/A		R/ASR					
16. REMARKS Blk 4: Only para 10.3 of DID, blk 10 applies. Prepare IAW AFDTCP 83-2, Handbook for Technical Report Preparation. Submit drafts typed double spaced by LT within 30 days after completion of SOW tasks. Deliver camera ready original by DD 250 within 30 days after receipt of sponsor's written approval of draft. Report covers will be prepared by the STINFO Contractor (Technical Publications).						Draft		Final	
						2		1	
						LT			
						15. TOTAL			
G. PREPARED BY			H. DATE		I. APPROVED BY			J. DATE	

CONTRACT DATA REQUIREMENTS LIST (1 Data Item)						Form Approved OMB No. 0704-0188			
Public reporting burden for this collection of information is estimated to average 110 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503. Please DO NOT RETURN your form to either of these addresses. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.									
A. CONTRACT LINE ITEM NO.		B. EXHIBIT		C. CATEGORY: TDP _____ TM _____ OTHER _____					
D. SYSTEM/ITEM			E. CONTRACT / PR NO.		F. CONTRACTOR				
1. DATA ITEM NO.	2. TITLE OF DATA ITEM				3. SUBTITLE				
	Scientific and Technical Reports				Final Report of SOW Tasks				
4. AUTHORITY (Data Acquisition Document No.) DI-MISC-80711/T			5. CONTRACT REFERENCE		6. REQUIRING OFFICE				
7. DD 250 REQ DD	9. DIST STATEMENT REQUIRED	10. FREQUENCY One/R	12. DATE OF FIRST SUBMISSION See Blk 16		14. DISTRIBUTION				
8. APP CODE A		11. AS OF DATE N/A	13. DATE OF SUBSEQUENT SUBMISSION R/ASR		a. ADDRESSEE		b. COPIES		
							Draft	Final	
							Reg	Repro	
16. REMARKS Blk 4: Only para 10.3 of DID, blk 10 applies. Prepare IAW AFDTCP 83-2, Handbook for Technical Report Preparation. Submit drafts typed double spaced by LT within 30 days after completion of SOW tasks. Deliver camera ready original by DD 250 within 30 days after receipt of sponsor's written approval of draft. Report covers will be prepared by the STINFO Contractor (Technical Publications).							2	1	
							LT		
					15. TOTAL →				
G. PREPARED BY			H. DATE		I. APPROVED BY		J. DATE		

[illegible]

CONTRACT DATA REQUIREMENTS LIST (1 Data Item)						Form Approved OMB No. 0704-0188			
Public reporting burden for this collection of information is estimated to average 110 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503. Please DO NOT RETURN your form to either of these addresses. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.									
A. CONTRACT LINE ITEM NO.		B. EXHIBIT		C. CATEGORY: TDP _____ TM _____ OTHER _____					
D. SYSTEM/ITEM			E. CONTRACT/PR NO.		F. CONTRACTOR				
1. DATA ITEM NO.	2. TITLE OF DATA ITEM				3. SUBTITLE				
	Scientific and Technical Reports				Final Report of SOW Tasks				
4. AUTHORITY (Data Acquisition Document No.)			5. CONTRACT REFERENCE			6. REQUIRING OFFICE			
DI-MISC-80711/T									
7. DD 250 REQ	9. DIST STATEMENT REQUIRED	10. FREQUENCY		12. DATE OF FIRST SUBMISSION		14. DISTRIBUTION			
DD		One/R		See Blk 16					
8. APP CODE		11. AS OF DATE		13. DATE OF SUBSEQUENT SUBMISSION		a. ADDRESSEE		b. COPIES	
A		N/A		R/ASR					
16. REMARKS Blk 4: Only para 10.3 of DID, blk 10 applies. Prepare IAW AFDTCP 83-2, Handbook for Technical Report Preparation. Submit drafts typed double spaced by LT within 30 days after completion of SOW tasks. Deliver camera ready original by DD 250 within 30 days after receipt of sponsor's written approval of draft. Report covers will be prepared by the STINFO Contractor (Technical Publications).						Draft		Final	
						2		1	
						LT			
						15. TOTAL			
G. PREPARED BY			H. DATE		I. APPROVED BY			J. DATE	

CONTRACT DATA REQUIREMENTS LIST (1 Data Item)						Form Approved OMB No. 0704-0188		
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D. SYSTEM/ITEM			E. CONTRACT / PR NO.		F. CONTRACTOR			
1. DATA ITEM NO.	2. TITLE OF DATA ITEM				3. SUBTITLE			
	Scientific and Technical Reports				Final Report of SOW Tasks			
4. AUTHORITY (Data Acquisition Document No.) DI-MISC-80711/T			5. CONTRACT REFERENCE			6. REQUIRING OFFICE		
7. DD 250 REQ DD	9. DIST STATEMENT REQUIRED	10. FREQUENCY One/R		12. DATE OF FIRST SUBMISSION See Blk 16		14. DISTRIBUTION		
8. APP CODE A		11. AS OF DATE N/A	13. DATE OF SUBSEQUENT SUBMISSION R/ASR		a. ADDRESSEE		b. COPIES	
						Draft	Final	
						2	Reg	Repro
						LT		1
16. REMARKS Blk 4: Only para 10.3 of DID, blk 10 applies. Prepare IAW AFDTCP 83-2, Handbook for Technical Report Preparation. Submit drafts typed double spaced by LT within 30 days after completion of SOW tasks. Deliver camera ready original by DD 250 within 30 days after receipt of sponsor's written approval of draft. Report covers will be prepared by the STINFO Contractor (Technical Publications).								
15. TOTAL →						2		1
G. PREPARED BY			H. DATE		I. APPROVED BY		J. DATE	

CONTRACT DATA REQUIREMENTS LIST (1 Data Item)						Form Approved OMB No. 0704-0188		
Public reporting burden for this collection of information is estimated to average 110 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503. Please DO NOT RETURN your form to either of these addresses. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.								
A. CONTRACT LINE ITEM NO.		B. EXHIBIT		C. CATEGORY: TDP _____ TM _____ OTHER _____				
D. SYSTEM/ITEM			E. CONTRACT / PR NO.		F. CONTRACTOR			
1. DATA ITEM NO.	2. TITLE OF DATA ITEM				3. SUBTITLE			
	Scientific and Technical Reports				Final Report of SOW Tasks			
4. AUTHORITY (Data Acquisition Document No.) DI-MISC-80711/T			5. CONTRACT REFERENCE			6. REQUIRING OFFICE		
7. DD 250 REQ DD	9. DIST STATEMENT REQUIRED	10. FREQUENCY One/R		12. DATE OF FIRST SUBMISSION See Blk 16		14. DISTRIBUTION		
8. APP CODE A		11. AS OF DATE N/A	13. DATE OF SUBSEQUENT SUBMISSION R/ASR		a. ADDRESSEE		b. COPIES	
						Draft	Final	
						2	Reg	Repro
						LT		1
16. REMARKS Blk 4: Only para 10.3 of DID, blk 10 applies. Prepare IAW AFDTCP 83-2, Handbook for Technical Report Preparation. Submit drafts typed double spaced by LT within 30 days after completion of SOW tasks. Deliver camera ready original by DD 250 within 30 days after receipt of sponsor's written approval of draft. Report covers will be prepared by the STINFO Contractor (Technical Publications).								
15. TOTAL →						2		1
G. PREPARED BY			H. DATE		I. APPROVED BY		J. DATE	

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CONTRACT DATA REQUIREMENTS LIST
(1 Data Item)**Form Approved**
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 440 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503. Please DO NOT RETURN your form to either of these addresses. Send completed form to the Government Issuing Contracting Officer for the Contract/PR No. listed in Block E.

A. CONTRACT LINE ITEM NO.		B. EXHIBIT		C. CATEGORY: TDP _____ TM _____ OTHER _____					
D. SYSTEM/ITEM		E. CONTRACT/PR NO.		F. CONTRACTOR					
1. DATA ITEM NO. A020	2. TITLE OF DATA ITEM Scientific and Technical Reports			3. SUBTITLE					
4. AUTHORITY (Data Acquisition Document No.) DI-MISC-80711		5. CONTRACT REFERENCE		6. REQUIRING OFFICE DTIC-E					
7. DD 250 REQ LT	9. DIST STATEMENT REQUIRED	10. FREQUENCY as required	12. DATE OF FIRST SUB. See Block 16	14. DISTRIBUTION					
8. APP CODE AD	TBD	11. AS OF DATE see Block 16	13. DATE OF SUBS. SUB. See Block 16	a. ADDRESSEE	b. COPIES				
				Draft	Final Reg Repro				
16. REMARKS The contractor shall deliver two (2) copies of a draft and four (4) copies of the final document, on the dates specified in the statement of work. Of the final copies, two (2) shall be bound, one (1) shall be unbound, and one (1) shall be in digital form, in either Word or Word Perfect format. The Government will review and submit comments within thirty (30) days after receipt of draft copies. Issues generated by this review shall be resolved and the manuscript upgraded to reflect changes, if any, prior to final publication. The contractor shall include the author of the document on the cover page. In the final report, the contractor shall include a filled out SF 298, Report Documentation Page, as the first page inside the cover. The SF 298 shall also be included in the digital copy of the final report. Contractor format may be substituted, subject to Government approval.				DTIC COTR	1	2			
				Project Manager	1	2			
				15. TOTAL ----->				2	4
				G. PREPARED BY		H. DATE	I. APPROVED BY		J. DATE

17. PRICE GROUP
18. ESTIMATED TOTAL PRICE

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Tab 4

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STINT Research Summary (RS) Worksheet

1. Accession Number		1A. Activity Code	2. Transaction Type	3. Status of Effort	4. Perf. Method	5. Performance Type	6. Date of Summary		
7. Preceding Sum. Date	8. Start Date	9. End Date	10. Effort Security Code	11. Eff. Sec. Add. Notice	12. Record Sec. Class.	13. Rcd. Sec. Add. Notice			
14. Classification Authority						15. Regrading Code	16. Regrading Date		
17. Regrading Event							18. Distribution Code		
19. Distribution Reason	20. Title								
21. Subordinate Rcd. Ind.	22. Linking Accession Number		23. Local Control Number		24. Search Data				
25. Subject Categories		26. Mission Area Code		26.2 Function Code		26.3 Technology Code			
27. Resp. Org. Source Code	27.1 Responsible Organization Name								
27.2 Responsible Organization Component Name									
27.3 Responsible Organization Location									
27.4 Responsible Individual Name			27.5 Responsible Individual Office Sym.		27.6 Responsible Individual Phone		27.7 Resp. Indiv. DSN Number		
28. Perf. Org. Source Code	28.1 Performing Organization Name								
28.2 Performing Organization Component Name									
28.3 Performing Organization Location									
28.4 Performing Individual Name			28.5 Performing Individual Office Symbol		28.6 Performing Individual Phone		28.7 Performing Individual DSN Number		
28.8 Associate Investigator Names									
30. Primary Program Element (PE) Number			31. 1 st Contributing Program Element (PE) Number			32. 2 nd Contributing Program Element (PE) Number			
30A. Primary Project Number			31A. 1 st Contributing Project Number			32A. 2 nd Contributing Project Number			
30B. Primary Task Number			31B. 1 st Contributing Task Number			32B. 2 nd Contributing Task Number			
30. Primary Funding Data			31. 1 st Contributing Funding Data			32. 2 nd Contributing Funding Data			33. Contract Rollup Indicator
Fiscal Year	Dollars	Work Years	Fiscal Year	Dollars	Work Years	Fiscal Year	Dollars	Work Years	
C1	C2	C3	C1	C2	C3	C1	C2	C3	C
D1	D2	D3	D1	D2	D3	D1	D2	D3	D
E1	E2	E3	E1	E2	E3	E1	E2	E3	E
F1	F2	F3	F1	F2	F3	F1	F2	F3	F
G1	G2	G3	G1	G2	G3	G1	G2	G3	G

☐ Critical Control Fields
 ☐ Dropdowns or Search Capabilities
 ☐ Classified Records Only
 ☐ Default

34. Contract/Grant/Trans. Number		34.1 Contract Effective Date		34.2 Contract Expiration Date	
34.3 Contract Face Value	34.4 Contract Cumulative To Date	35. Keywords			
36. Objective Class Code	36.1 Objective				
37. Approach Class Code	37.1 Approach				
38. Progress Class Code	38.1 Progress				
39. Product Set Number	39.1 Prod. Title Class. Code	39.2 Product Title			
39.3 Product ID/Report Number					39.4 Product AD Number
39.5 Product Indicator		40. Domestic Technology Transfer	41. Study Category		42. Special Study Subject
44. Primary Project Serial Number	45. International Sources Considered	46. Processing Date		47. Receipt Date	48. Descriptors Class Code
48.1 Descriptors					
49. Thrust Areas					

Tab 5

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**INSTRUCTIONS FOR COMPLETING DD FORM 1540,
"REGISTRATION FOR SCIENTIFIC AND TECHNICAL INFORMATION SERVICES"**

PRIVACY ACT STATEMENT

AUTHORITY: 5 U.S.C. 301; E.O. 9397.

PRINCIPAL PURPOSE(S): To register for scientific and technical information services provided by DTIC. DOD individuals must be verified through DMDC. This verification process is used to validate an individual's affiliation with a DOD organization, a condition that must be met before giving access to information which is limited to DOD organizations and their employees.

ROUTINE USE(S): None.

DISCLOSURE: Voluntary; however, failure to provide the requested personal information will result in the individual not being registered for scientific and technical information services.

A. WHO IS ELIGIBLE

The Defense Technical Information Center's (DTIC's) products and services are available to U.S. Government organizations, their contractors, subcontractors and potential contractors. In order to register for these services, all applicants are required to complete the DD Form 1540.

B. WHERE TO FILE

Completed DD Forms 1540, and other related correspondence, should be mailed to:

Defense Technical Information Center
DTIC-BC, (Registration)
8725 John J. Kingman Road
Suite 0944
Fort Belvoir, VA 22060-6218

Telephone: (703) 767-8273
Fax: (703) 767-9459

C. RESTRICTED DATA, CNWDI AND/OR NATO

1. U.S. Government (Non-DOD) organizations requesting access to Restricted Data and/or CNWDI must have the Department of Energy notify DTIC in writing that the individual listed as the point-of-contact (Item 4, "Attention") on the DD Form 1540 is authorized to receive such data.

2. Access to NATO requires a letter providing the requester's NATO clearance information. (All U.S. Government refer to Part 1, Paragraph 1, Section II and contractors refer to Part 2, Paragraph 1, Section V of DTIC's registration guide for details of the letter.)

D. GENERAL INSTRUCTIONS

1. U.S. Government Organizations

(1) Section I - General Information. All applicants must complete Section I in full.

- DOD organizations complete only Section I if requesting access to unclassified/unlimited or unclassified/limited data. DOD organizations should include DSN numbers where noted.
- Non-DOD Government organizations complete only Section I if requesting access to only unclassified/unlimited data.

(2) Section II - Security Officer. All U.S. Government organizations requesting access to classified data must obtain the signature of their organization's security officer. The security officer certifies that the organization listed in Section I may receive and store classified data at the access level indicated in Section I (Item 11, "Type of Access Desired").

(3) Section III - Prime Contractor Approval. Leave blank.

(4) Section IV - U.S. Government Approving Official. DOD organizations must complete Section IV if requesting access to classified data. Non-DOD Government organizations must complete Section IV if requesting access to unclassified/limited or classified data. Signature of Government Approving Official is required.

- Approving Official for DOD organizations is any designated official, such as the Commanding Officer, Technical Director, etc.

- Non-DOD Government organizations refer to DTIC's registration guide for the address of their approving official.

(5) Section V - Subject Fields and Groups. All U.S. Government organizations requesting access to classified data must select the pertinent subject fields of interest based on user need-to-know requirements.

2. Contractors, Subcontractors, Potential Contractors, CRDA Partners, and Grantees

Access to export-controlled data requires DTIC's receipt of a certified copy of the DD Form 2345, "Militarily Critical Technical Data Agreement." Access to classified data requires approved facility clearance from the Defense Security Service (DSS). For more information, refer to DTIC's registration guide.

(1) Section I - General Information. All contractors, subcontractors, and potential contractors must complete Section I in full. Cite your prime contract number and expiration date in this section.

(2) Section II - Security Officer. Leave blank.

(3) Section III - Prime Contractor Approval. All subcontractors must complete Section III. Cite your subcontract number and expiration date in this section.

(4) Section IV - U.S. Government Approving Official. All contractors, subcontractors, and potential contractors must complete Section IV. Signature of Government approving official is required. (Refer to DTIC's registration guide for information on who may qualify as the approving official.)

(5) Section V - Subject Fields and Groups. All contractors, subcontractors, and potential contractors requesting access to classified data must select the pertinent subject fields of interest based on user need-to-know requirements.

E. AFTER REGISTRATION

(1) DTIC will mail a numeric user code and additional information to the user upon completion of registration.

(2) Registered DTIC users must notify DTIC in writing of any changes to their current DD Forms 1540.

(3) Registered DTIC users receive a notice from DTIC 60 days prior to the scheduled expiration date of their service.

F. ADDITIONAL INFORMATION

For a more complete instructional guide, refer to the "Registration Guide to the Defense Technical Information Center (DTIC)." Copies may be obtained from the address in Paragraph B.

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REGISTRATION FOR SCIENTIFIC AND TECHNICAL INFORMATION SERVICES						<i>Form Approved OMB No. 0704-0264 Expires Jun 30, 2004</i>	
<p>The public reporting burden for this collection of information is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0264), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.</p> <p>PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS. SEND YOUR COMPLETED FORM TO: DEFENSE TECHNICAL INFORMATION CENTER, ATTN: DTIC-BC, 8725 JOHN J. KINGMAN ROAD, SUITE 0944, FORT BELVOIR, VA 22060-6218.</p>							
SECTION I - GENERAL INFORMATION <i>(All applicants must complete Section I.)</i>						FOR DTIC USE ONLY	
1. ORGANIZATION NAME			2. SUBORGANIZATION NAME			DTIC USER CODE	
3.a. CLASSIFIED/BUSINESS MAILING ADDRESS		b. CITY		c. STATE	d. ZIP CODE	USER TYPE	ENTITY CODE
4. ATTENTION						CHARGE CODE	
a. NAME <i>(Last, First, Middle Initial)</i>		b. SSN <i>(DOD only)</i>		c. POSITION/TITLE		d. OFFICE SYMBOL	
5. TELEPHONE NUMBER <i>(Include area code)</i>						6. FAX NUMBER <i>(Include area code)</i>	
a. COMMERCIAL		b. DSN		a. COMMERCIAL		b. DSN	
7. INTERNET E-MAIL ADDRESS						8.a. PRIME CONTRACT NUMBER <i>(Or other appropriate number) (Contractors only)</i>	
						b. EXPIRATION DATE <i>(YYYYMMDD)</i>	
9. CURRENT OR FORMER USER <i>(X one)</i>						10. MILITARILY CRITICAL TECHNICAL DATA AGREEMENT	
<input type="checkbox"/> YES <i>(Enter DTIC user code)</i>						CERTIFICATION NUMBER <i>(Contractors only)</i>	
<input type="checkbox"/> NO							
11. TYPE OF ACCESS DESIRED <i>(X as applicable)</i>							
<input type="checkbox"/> UNCLASSIFIED/UNLIMITED <input type="checkbox"/> UNCLASSIFIED/LIMITED <input type="checkbox"/> CONFIDENTIAL <input type="checkbox"/> SECRET <input type="checkbox"/> RESTRICTED DATA <input type="checkbox"/> CNWDI <input type="checkbox"/> NATO							
SECTION II - SECURITY OFFICER <i>(Government and DOD organizations only must complete Section II if requesting access to classified data.)</i>							
12. SECURITY OFFICER CERTIFICATION							
I certify that the organization listed in Section I may receive and store classified data at the access level indicated in Section I.							
a. NAME <i>(Last, First, Middle Initial)</i>				b. ORGANIZATION NAME			
c. (1) STREET ADDRESS				(2) CITY		(3) STATE	(4) ZIP CODE
d. TELEPHONE NUMBER <i>(Include area code)</i>				e. SIGNATURE			
(1) COMMERCIAL		(2) DSN		f. DATE SIGNED <i>(YYYYMMDD)</i>			
SECTION III - PRIME CONTRACTOR APPROVAL <i>(All subcontractors must complete Section III. Prime Contractor's signature is required.)</i>							
13. PRIME CONTRACTOR ORGANIZATION NAME				14.a. SUBCONTRACT NUMBER		b. EXPIRATION DATE <i>(YYYYMMDD)</i>	
15.a. STREET ADDRESS				b. CITY		c. STATE	d. ZIP CODE
16.a. PRIME CONTRACTING OFFICER NAME <i>(Last, First, Middle Initial)</i>				b. POSITION/TITLE			
c. TELEPHONE NUMBER <i>(Include area code)</i>		d. SIGNATURE				e. DATE SIGNED <i>(YYYYMMDD)</i>	
SECTION IV - U.S. GOVERNMENT APPROVING OFFICIAL <i>(DOD organizations requesting access to classified data, Non-DOD Government organizations requesting access to unclassified/limited or classified data, and all contractors requesting either unclassified or classified data must complete Section IV. Government Approving Official's signature is required.)</i>							
17. APPROVING ORGANIZATION NAME		18.a. STREET ADDRESS		b. CITY		c. STATE	d. ZIP CODE
19.a. APPROVING OFFICIAL NAME <i>(Last, First, Middle Initial)</i>				b. POSITION/TITLE			
c. TELEPHONE NUMBER <i>(Include area code)</i>				d. SIGNATURE			
(1) COMMERCIAL		(2) DSN		e. DATE SIGNED <i>(YYYYMMDD)</i>			
FOR DTIC USE ONLY							

SECTION V - SUBJECT FIELDS AND GROUPS (*X as applicable. All applicants must complete Section V if requesting access to classified data. The first number is the subject field, the second is the more specific group.*) ☐

01 Aviation Technology (ALL)	11 Materials (Continued)	18 Nuclear Science & Technology (ALL)
01 Aerodynamics	03 Coatings, Colorants & Finishes	01 Fusion Devices (Thermonuclear)
02 Military Aircraft Operations	04 Laminates & Composite Materials	02 Isotopes
03 Aircraft	05 Textiles	03 Nuclear Explosions & Devices (Non-Military)
03.01 Helicopters	06 Metallurgy & Metallography	04 Nuclear Instrumentation
03.02 Bombers	06.01 Properties of Metals & Alloys	05 Nuclear Power Plants & Fission Reactor Engineering
03.03 Attack and Fighter Aircraft	06.02 Fabrication Metallurgy	05.01 Nuclear Fission Reactors (Power)
03.04 Patrol & Reconnaissance Aircraft	07 Miscellaneous Materials	05.02 Nuclear Fission Reactors (Non-Power)
03.05 Transport Aircraft	08 Lubricants & Hydraulic Fluids	06 Nuclear Radiation Shielding Protection & Safety
03.06 Training Aircraft	09 Plastics	07 Radioactivity, Radioactive Wastes & Fission Products
03.07 V/STOL	10 Elastomers & Rubber	08 SNAP (Systems for Nuclear Auxiliary Power) Technology
03.08 Gliders and Parachutes	11 Solvents, Cleaners & Abrasives	09 Fission Reactor Physics
03.09 Civilian Aircraft	12 Wood, Paper & Related Forestry Products	10 Fission Reactor Materials
03.10 Pilotless Aircraft	12 Mathematical & Computer Sciences (ALL)	19 Ordnance (ALL)
03.11 Lighter-than-Air Aircraft	01 Numerical Mathematics	01 Ammunition & Explosives
03.12 Research & Experimental Aircraft	02 Theoretical Mathematics	01.01 Pyrotechnics
04 Flight Control & Instrumentation	03 Statistics & Probability	02 Aerial Bombs
05 Terminal Flight Facilities	04 Operations Research	03 Combat Vehicles
06 Commercial & General Aviation	05 Computer Programming & Software	04 Armor
02 Agriculture (ALL)	06 Computer Hardware	05 Fire Control & Bombing Systems
01 Agricultural Chemistry	07 Computer Systems	06 Guns
02 Agricultural Economics	08 Computer Systems Management & Standards	07 Rockets
03 Agricultural Engineering	09 Cybernetics	08 Underwater Ordnance
04 Agronomy, Horticulture, & Aquiculture	13 Mechanical, Industrial, Civil & Marine Engineering (ALL)	08.01 Torpedoes
05 Animal Husbandry & Veterinary Medicine	01 Air Conditioning, Heating, Lighting & Ventilating	09 Explosions
06 Forestry	02 Civil Engineering	10 Ballistics
03 Astronomy & Astrophysics (ALL)	03 Construction Equipment, Materials & Supplies	11 Nuclear Weapons
01 Astronomy	04 Containers & Packaging	12 Directed Energy Weapons
02 Astrophysics	05 Couplers, Fasteners & Joints	13 Guided Munitions
03 Celestial Mechanics	06 Surface Transportation & Equipment	20 Physics (ALL)
04 Atmospheric Sciences (ALL)	06.01 Surface Effect Vehicles/Amphibious Vehicles	01 Acoustics
01 Atmospheric Physics	07 Hydraulic & Pneumatic Equipment	02 Crystallography
02 Meteorology	08 Manufacturing & Industrial Engineering & Control of Production Systems	03 Electricity & Magnetism
05 Behavioral & Social Sciences (ALL)	09 Machinery & Tools	04 Fluid Mechanics
01 Administration & Management	10 Marine Engineering	05 Atomic & Molecular Physics & Spectroscopy
02 Information Science	10.01 Submarine Engineering	06 Optics
03 Economics & Cost Analysis	11 Pumps, Filters, Pipes, Tubing, Fittings & Valves	06.01 Fiber Optics & Integrated Optics
04 Government & Political Science	12 Safety Engineering	07 Particle Accelerators
05 Sociology & Law	13 Structural Engineering & Building Technology	08 Nuclear Physics & Elementary Particle Physics
06 Humanities & History	14 Test Equipment, Research Facilities & Reprography (ALL)	09 Plasma Physics & Magnetohydrodynamics
07 Linguistics	01 Holography	10 Quantum Theory & Relativity
08 Psychology	02 Test Facilities, Equipment & Methods	11 Mechanics
09 Personnel Management & Labor Relations	03 Recording & Playback Devices	12 Solid State Physics
06 Biological & Medical Science (ALL)	04 Photography	13 Thermodynamics
01 Biochemistry	05 Printing & Graphic Arts	14 Radiofrequency Wave Propagation
02 Genetic Engineering & Molecular Biology	15 Military Sciences (ALL)	15 Electromagnetic Pulses
03 Biology	01 Military Forces & Organizations	21 Propulsion, Engines & Fuels (ALL)
04 Anatomy & Physiology	02 Civil Defense	01 Air Breathing Engines (Unconventional)
05 Medicine & Medical Research	03 Defense Systems	02 Combustion & Ignition
06 Ecology	03.01 Antimissile Defense Systems	03 Electric & Ion Propulsion
07 Radiobiology	03.02 Antiaircraft Defense Systems	04 Fuels
08 Food, Food Service & Nutrition	03.03 Antisatellite Defense Systems	05 Jet & Gas Turbine Engines
09 Hygiene & Sanitation	04 Military Intelligence	06 Nuclear Propulsion
10 Stress Physiology	05 Logistics, Military Facilities & Supplies	07 Reciprocating & Rotating Engines
11 Toxicology	06 Military Operations, Strategy & Tactics	08 Rocket Engines
12 Medical Facilities, Equipment & Supplies	06.01 Naval Surface Warfare	08.01 Liquid Propellant Rocket Engines
13 Microbiology	06.02 Undersea & Antisubmarine Warfare	08.02 Solid Propellant Rocket Engines
14 Weapons Effects (Biological)	06.03 Chemical, Biological & Radiological Warfare	09 Rocket Propellants
15 Pharmacology	06.04 Nuclear Warfare	09.01 Liquid Rocket Propellants
07 Chemistry (ALL)	06.05 Space Warfare	09.02 Solid Rocket Propellants
01 Industrial Chemistry/Chemical Processing	06.06 Land Mine Warfare	22 Space Technology (ALL)
02 Inorganic Chemistry	06.07 Unconventional Warfare	01 Astronauts
03 Organic Chemistry	16 Guided Missile Technology (ALL)	02 Unmanned Spacecraft
04 Physical Chemistry	01 Guided Missile Launching & Basing Support	03 Spacecraft Trajectories and Reentry
05 Radiation & Nuclear Chemistry	02 Guided Missile Trajectories, Accuracy & Ballistics	04 Ground Support Systems & Facilities for Space Vehicles
06 Polymer Chemistry	02.01 Guided Missile Dynamics, Config. & Control	05 Manned Spacecraft
08 Earth Sciences & Oceanography (ALL)	03 Guided Missile Warheads & Fuzes	23 Biotechnology (ALL)
01 Biological Oceanography	04 Guided Missiles	01 Biomedical Instrumentation & Bioengineering
02 Cartography & Aerial Photography	04.01 Air- & Space-Launched Guided Missiles	02 Human Factors Engineering & Man Machine Systems
03 Physical & Dynamic Oceanography	04.02 Surface-Launched Guided Missiles	03 Bionics
04 Geomagnetism	04.03 Underwater-Launched Guided Missiles	04 Protective Equipment
05 Geodesy	05 Guided Missile Reentry Vehicles	05 Life Support Systems
06 Geography	17 Navigation, Detection & Countermeasures (ALL)	06 Escape, Rescue & Survival
07 Geology, Geochemistry & Mineralogy	01 Acoustic Detection & Detectors	24 Environmental Pollution & Control (ALL)
08 Hydrology, Limnology & Potamology	02 Non-Acoustic/Non-Magnetic Submarine Detection	01 Air Pollution & Control
09 Mining Engineering	03 Direction Finding	02 Noise Pollution & Control
10 Soil Mechanics	04 Countermeasures	03 Solid Wastes Pollution & Control
11 Seismology	04.01 Radio Countermeasures	04 Water Pollution & Control
12 Snow, Ice, & Permafrost	04.02 Acoustic Countermeasures	05 Pesticides Pollution & Control
09 Electrotechnology & Fluidics (ALL)	04.03 Radar Countermeasures	06 Radiation Pollution & Control
01 Electrical & Electronic Equipment	04.04 Optical Countermeasures	07 Environmental Health & Safety
02 Fluidics & Fluorics	05 Optical Detection & Detectors	25 Communications (ALL)
03 Lasers & Masers	05.01 Infrared Detection & Detectors	01 Telemetry
04 Line, Surface & Bulk Acoustic Wave Devices	05.02 Ultraviolet Detection & Detectors	02 Radio Communications
05 Electrooptical & Optoelectronic Devices	06 Magnetic & Electric Field Detection & Detectors	03 Non-Radio Communications
06 Acoustooptic & Optoacoustic Devices	07 Navigation & Guidance	04 Voice Communications
07 Electromagnetic Shielding	07.01 Land & Riverine Navigation & Guidance	05 Command, Control & Communications Systems
10 Power Propulsion & Energy Conversion (Nonpropulsive) (ALL)	07.02 Underwater & Marine Navigation & Guidance	ALL ALL SUBJECT FIELDS AND GROUPS
01 Non-Electrical Energy Conversion	07.03 Air Navigation & Guidance	
02 Electric Power Production & Distribution	07.04 Space Navigation & Guidance	
03 Electrochemical Energy Storage	08 Miscellaneous Detection & Detectors	
04 Energy Storage	09 Active & Passive Radar	
11 Materials (ALL)	10 Seismic Detection & Detectors	
01 Adhesives, Seals & Binders	11 Target Direction, Range & Position Finding	
02 Ceramics, Refractories & Glass		
02.01 Refractory Fibers		

HELPFUL HINTS FOR U.S. GOVERNMENT APPROVING OFFICIALS

1. Who should sign as the Approving Official in Section IV of the DD Form 1540?

The person who signs the DD Form 1540 shall have the technical competence and familiarity with government, contractor or grantee programs necessary to judge the subject fields of interest to the applicant as stated in DoDI 3200.14, **Principles and Operational Parameters of the DoD Scientific and Technical Information Program**, Enclosure 6, **Access to and Dissemination of DoD Technical Information**, dated May 13, 1998. When you sign as approving official, you are responsible for the accuracy of the information on the form, and you are certifying the need-to-know of the requester. You can change the classification requested, expiration date, and/or the subject fields of interest as you see fit.

2. If an applicant requests "ALL" fields of interest, should you approve all?

Section V is completed by all U.S. Government organizations, contractors, subcontractors, and potential contractors requesting access to classified data. Non-DoD Government organizations also complete Section V for access to unclassified/limited data. Approving "ALL" would certify access to an unusually high range of subject areas. We request that you reevaluate each subject area carefully to verify that there is a legitimate need-to-know requirement for such a broad range of subject areas, e.g. under a contract being registered. If you approve "ALL", please initial by the word "ALL" on the DD Form 1540.

Approving Official's Checklist

- Did you enter your phone number in Section IV, Block 19.c.?
- Did you sign and date in Section IV, Blocks 19.d. and 19.e.?
- If the requester is a contractor, are the contract number and expiration date correct?

(Section I, Blocks 8.a. and 8.b. or Section III, Blocks 14.a. or 14.b.)

- If the requester circled "ALL" subject fields of interest, did you initial by the word "ALL"?

PLEASE NOTE: Upon receipt of the DD Form 1540, DTIC will contact you for verbal verification.

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Tab 6

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MILITARILY CRITICAL TECHNICAL DATA AGREEMENT <i>(Please read Privacy Act Statement and Instructions on back before completing this form.)</i>				<i>Form Approved</i> OMB No. 0704-0207 <i>Expires October 31, 2004</i>	
<p>The public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0207), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.</p> <p>PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE ABOVE ADDRESS. RETURN COMPLETED FORM TO: UNITED STATES/CANADA JOINT CERTIFICATION OFFICE, DEFENSE LOGISTICS INFORMATION SERVICE, FEDERAL CENTER, 74 WASHINGTON AVE., NORTH, BATTLE CREEK, MI USA 49017-3084</p>					
1. TYPE OF SUBMISSION <i>(X one)</i>		<input type="checkbox"/> a. INITIAL SUBMISSION	<input type="checkbox"/> b. RESUBMISSION	<input type="checkbox"/> c. REVISION	<input type="checkbox"/> d. 5-YEAR RENEWAL
2. INDIVIDUAL OR ENTERPRISE DATA <i>(Referred to as a "certified contractor" upon acceptance of certification by the U.S./Canada - JCO)</i>					
a. NAME			b. ADDRESS <i>(Include Province and/or 9-digit ZIP Code)</i>		
c. NAME OF SUBSIDIARY/DIVISION					
d. FSCM/FSCNM/CAGE/DSS VENDOR CODE			e. TELEPHONE NUMBER <i>(Include Area Code)</i>		
3. DATA CUSTODIAN					
a. NAME OR POSITION DESIGNATION <i>(See Instructions)</i>			b. BUSINESS MAILING ADDRESS <i>(Include Province and/or 9-digit ZIP Code)</i>		
c. TELEPHONE NUMBER <i>(Include Area Code)</i>					
d. TITLE					
4. DESCRIPTION OF RELEVANT BUSINESS ACTIVITY <i>(Print or type)</i>					
5. AS A CONDITION OF RECEIVING MILITARILY CRITICAL TECHNICAL DATA, THE INDIVIDUAL OR ENTERPRISE CERTIFIES THAT:					
a.(1) CITIZENSHIP/RESIDENCY STATUS. The individual designated either by name or position designation in Item 3, who will act as custodian of the militarily critical technical data on behalf of the contractor, is: (X (a), (b), (c), or (d))			c.(2) agree not to disseminate militarily critical technical data in a manner that would violate applicable U.S. or Canadian export control laws and regulations.		
<input type="checkbox"/> (a) A U.S. CITIZEN <input type="checkbox"/> (b) A CANADIAN CITIZEN or a person admitted lawfully for permanent residence into:			d. They will not provide access to militarily critical technical data to persons other than their employees or eligible persons designated by the registrant to act on their behalf unless such access is permitted by U.S. DoDD 5230.25, Canada's TDCR, or by the U.S. or Canadian Government agency that provided the technical data.		
<input type="checkbox"/> (c) THE UNITED STATES <input type="checkbox"/> (d) CANADA			e. No person employed by the enterprise or eligible persons designated by the registrant to act on their behalf, who will have access to militarily critical technical data, is disbarred, suspended, or otherwise ineligible to perform on U.S. or Canadian Government contracts or has violated U.S. or contravened Canadian export control laws or has had a certification revoked under the provisions of U.S. DoDD 5230.25 or Canada's TDCR.		
(2) BUSINESS LOCATION. Business of individual listed in Item 3 is located in: X (a) or (b)			f. They are not themselves debarred, suspended, or otherwise ineligible to perform on U.S. or Canadian Government contracts, and have not violated U.S. or contravened Canadian export control laws, and have not had a certification revoked under the provisions of U.S. DoDD 5230.25 or Canada's TDCR.		
<input type="checkbox"/> (a) THE UNITED STATES <input type="checkbox"/> (b) CANADA					
b. The data are needed to bid or perform on a contract with any agency of the U.S. Government or the Canadian Government or for other legitimate business activities in which the contractor is engaged, or plans to engage.					
c. They (1) acknowledge all responsibilities under applicable U.S. export control laws and regulations (including the obligation, under certain circumstances, to obtain an export license from the U.S. Government prior to the release of militarily critical technical data within the United States) or applicable Canadian export control laws and regulations, and					
6. CONTRACTOR CERTIFICATION					
I certify that the information and certifications made by me are true, complete, and accurate to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form can be punished by fine or imprisonment or both. <i>(For U.S. contractors see U.S. Code, Title 18, Section 1001 and for Canadian contractors see Section 26 of the Defense Production Act.)</i>					
a. TYPED NAME <i>(LAST, First, Middle Initial)</i>		b. TITLE		c. SIGNATURE	
				d. DATE SIGNED	
7. CERTIFICATION ACTION <i>(X one)</i>					
a. CERTIFICATION ACCEPTED. This certification number, along with a statement of intended data use, must be included with each request for militarily critical technical data.				NUMBER	
b. RETURNED. Insufficient information:					
c. REJECTED. Does not meet eligibility requirements of DoDD 5230.25 or of Canada's TDCR.					
8. DOD OFFICIAL			9. CANADIAN OFFICIAL		
a. TYPED NAME <i>(LAST, First, Middle Initial)</i>			a. TYPED NAME <i>(LAST, First, Middle Initial)</i>		
b. TITLE			b. TITLE		
c. SIGNATURE		d. DATE SIGNED	c. SIGNATURE		d. DATE SIGNED

INSTRUCTIONS FOR COMPLETING DD FORM 2345

PRIVACY ACT STATEMENT

AUTHORITY: U.S. INDIVIDUALS AND ENTERPRISES: 10 USC, Section 140c, as added by PL 98-94, Section 1217, September 24, 1983; and implemented by DoDD 5230.25, "Withholding of Unclassified Technical Data From Public Disclosure," November 6, 1984 (32 CFR Part 250).

FOR CANADIAN INDIVIDUALS AND ENTERPRISES: Defense Production Act.

PRINCIPAL PURPOSE(S): To identify individuals and enterprises eligible to receive militarily critical technical data.

ROUTINE USE(S): To support decisions regarding dissemination or withholding of militarily critical technical data. Information provided on this form describing your business may be published from time to time for the benefit of the "certified contractors."

DISCLOSURE: Voluntary; however, failure to provide the information may result in a denial of access to militarily critical technical data.

MAIL THE ORIGINAL, COMPLETED COPY OF THIS FORM AND ANY ATTACHMENTS TO:

United States/Canada Joint Certification Office
Defense Logistics Information Service
Federal Center, 74 Washington Ave., North
Battle Creek, MI, USA 49017-3084

SPECIFIC INSTRUCTIONS

1. Mark only one box. Mark "RESUBMISSION" only if your previous submission was returned or rejected. Mark "REVISION" (of a previously accepted submission) to show revised information, such as addresses or business description. Mark "5-YEAR RENEWAL" in response to a renewal notice from U.S./Canada - JCO. When either the "REVISION" OR "5-YEAR RENEWAL" box is marked, enter your current Certification Number in Item 7.a.

2.a. For an individual, show full name (LAST, First, Middle initial). For an enterprise, show full name of corporate parent; or institution.

b. Enter the mailing address of the individual or enterprise making the certification. If a P.O. Box is used for mailing purposes, include street address as well.

c. Each corporate subsidiary or division that is to receive militarily critical technical data must be certified separately. If not applicable, so state.

d. For U.S. individual or enterprise, enter the Federal Supply Code for Manufacturers (FSCM) or Non-Manufacturers (FSNCM) or Commercial and Government Entity (CAGE) code assigned to the individual or enterprise making the certification. For a Canadian individual or enterprise, enter the Department of Supply and Services (DSS) Vendor Code assigned to the individual or enterprise making the certification. If none, so state. If a subsidiary or division is certified, enter the organization's code.

e. Show telephone number of the certifying official identified in Item 6. Include the area code.

3. Show the name, address, telephone number (including area code) and title of the individual who will receive militarily critical technical data and be responsible for its further dissemination. **A position designation may be used only when conditions described in Item 5.a.(1) and (2) are prerequisites for holding that position.**

4. Describe the business activity of the entity identified in Item 2 in sufficient detail for the U.S. or Canadian Government agency controlling the data to determine whether the militarily critical

technical data that you may request from time to time are reasonably related to your stated business activity. For example, state that you design and construct high-pressure, high volume hydraulic pumps for use in connection with aircraft control surfaces; do not state simply "hydraulic pumps." Provide concise statements within the space provided.

5. If certifications 5.e. and 5.f. cannot be made, provide (on a separate sheet) a description of any extenuating circumstances that may give sufficient reason to accept your certification.

6. If Item 2 identifies an individual, that individual must sign. If Item 2 identifies an institution or a corporate entity, a person who can legally obligate the enterprise to a contract must sign.

7. Explanation of Certification Action.

a. **ACCEPTED.** The U.S./Canada - JCO has assigned the individual or enterprise identified in Item 2.a., a Certification Number which will identify the individual or enterprise as a "certified contractor" as defined in U.S. DoDD 5230.25 or Canada's TDCR. The acceptance is valid for a period of five years from the acceptance date unless sooner revoked under the provisions of U.S. DoDD 5230.25 or Canada's TDCR. If at any time a certified contractor is unable to adhere to the conditions under which a certification was accepted, the contractor's certification is considered void, and the contractor will either submit a revised certification or surrender all militarily critical technical data obtained under this agreement to the data controlling offices specified on the documents.

b. **RETURNED.** Your submission did not contain all the information required to process your certification. Please review any comments provided with the returned submission and resubmit in accordance with the applicable instructions.

c. **REJECTED.** Reasons for rejection include, for example, debarment, a business activity that does not fall within the scope of U.S. DoDD 5230.25 or Canada's TDCR, or failure to make all of the required certifications.

LEGEND:

DoD = Department of Defense

DoDD = Department of Defense Directive

U.S./Canada - JCO = United States/Canada Joint Certification Office

DSS = Department of Supply and Services

TDCR = Technical Data Control Regulations

Militarily Critical Technical Data = Unclassified technical data as governed by U.S. DoDD 5230.25 or Canada's TDCR.

**Certification to Receive Unclassified, Military Critical
Technical Data**
Instructions for DTIC Registered Users

1. Qualified contractors are eligible for access to militarily critical technical data after certification with the Defense Logistics Information Service (DLIS) on the enclosed DD Form 2345, Militarily Critical Technical Data Agreement. Block 5 of the form explains the conditions that apply.
2. The DLIS certification is supplementary to your registration with the Defense Technical Information Center (DTIC) to receive export controlled information in our collection. If you do not certify with DLIS, you will still be able to receive information, that does not include export control.
3. Complete blocks 1 through 6 of the DD Form 2345 according to the instructions on the reverse side of the form and submit it to: United States/Canada Joint Certification Office, Defense Logistics Information Service, Federal Center, 74 Washington Ave., North, Battle Creek, MI, USA 49017-3084. DLIS will return your form, indicating what action was taken. When you receive the certification from DLIS, mail or fax a copy of the approved DD Form 2345 to DTIC-BCS. It is important that the entries on your DD Form 1540, Registration for Scientific and Technical Information Services and your DLIS certification form be consistent. The following items on your DD Form 1540 and DD Form 2345 must be identical:

	Block No.	Block No.
<u>Title on DD 1540</u>	<u>on 1540</u>	<u>on 2345</u>
<i>Organization Name</i>	<i>1 & 2</i>	<i>2a & 2c</i>
<i>Address</i>	<i>3a thru 3d</i>	<i>3b</i>
<i>Attention Line</i>	<i>4a</i>	<i>3a</i>

5. If you have any questions, contact the Registration Branch, DTIC-BCS, (703) 767-8273, fax (703) 767-8228 or email: reghelp@dtic.mil.

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Steps to be Followed when Completing DD Form 2345

Step 1
Enter Type of Submission.
(See Instruction 1)

Step 2
Enter the Name of Entity
making the certification.
(See Instruction 2a)

Step 4
Enter Name of Subsidiary/
Division if applicable.
(See Instruction 2c)

Step 5
Enter appropriate Code.
(See Instruction 2d)

Step 7
Enter Name of Data Custodian
or Position Designation.
(See Instruction 3)

Step 9
Enter Phone Number
of Data Custodian.
(See Instruction 3)

Step 10
Enter Title of Data Custodian.
(See Instruction 3)

Step 11
Enter Relevant Business Activity.
(See Instruction 4)

Step 12
Enter Citizenship/Residency Status.
(See Instruction 5)

MILITARILY CRITICAL TECHNICAL DATA AGREEMENT (Please read Privacy Act Statement and Instructions on reverse before completion.)			
1. TYPE OF SUBMISSION (X one)	2. INITIAL SUBMISSION	3. RESUBMISSION	4. REVISION
<input checked="" type="checkbox"/> 1. INDIVIDUAL OR ENTERPRISE DATA (Return to as a "certified contractor" upon acceptance of certification by the U.S./Canada JCO)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. NAME Company X			
c. NAME OF SUBSIDIARY/DIVISION Aerospace Division			
d. FSCM/FSCM/CAGE/DSS VENDOR CODE 00A00			
3. DATA CUSTODIAN			
a. NAME OR POSITION DESIGNATION (See Instructions) John Henry Doe			
b. PHONE NO. 123-456-7890			
c. TITLE Facility Security Officer			
4. DESCRIPTION OF RELEVANT BUSINESS ACTIVITY			
Design and construct high-pressure, high-volume hydraulic pump for use in connection with aircraft surfaces. Also design and manufacture radomes, avionics enclosures, radar enclosures, guidance/navigation equipment, nuclear hardened shields, and structural components for tactical aircraft, missiles, and marine vessels.			
5. AS A CONDITION OF RECEIVING MILITARILY CRITICAL TECHNICAL DATA, THE INDIVIDUAL OR ENTERPRISE CERTIFIES THAT:			
(1) Citizenship/Residency Status: The individual designated either by name or position designation in item 3, who will act as custodian of the military critical technical data on behalf of the contractor, is: (X one - (a), (b), (c), or (d))			
<input checked="" type="checkbox"/> (a) a U.S. citizen			
<input type="checkbox"/> (b) a Canadian citizen			
<input type="checkbox"/> (c) the United States			
<input type="checkbox"/> (d) Canada			
(2) Business Location: Business of individual listed in item 3 is located in:			
<input checked="" type="checkbox"/> (a) the United States			
<input type="checkbox"/> (b) Canada			
b. The data are needed to bid or perform on a contract with a agency of the U.S. Government or the Canadian Government, or for other legitimate business activities in which the contractor is engaged, or plans to engage.			
c. It (1) acknowledges all responsibilities under applicable U.S. export control laws and regulations (including the obligation, under certain circumstances, to obtain an export license from the U.S. Government prior to the release of military critical technical data within the United States) or applicable Canadian export control laws and regulations, and			
d. It will not provide access to military critical technical data to persons other than its employees, agents, or subcontractors, and will not disseminate such data in a manner that would violate applicable U.S. or Canadian export control laws and regulations.			
e. No person employed by it, or acting on its behalf, who will have access to military critical technical data is debarred, suspended, or otherwise ineligible to perform on U.S. or Canadian Government contracts, or has violated U.S. or contravened Canadian export control laws, or has had its certification revoked under the provisions of US DoD 5230.25 or Canada's TDCA.			
f. It is not itself debarred, suspended, or otherwise ineligible to perform on U.S. or Canadian Government contracts, and has not violated U.S. or contravened Canadian export control laws, and has not had a certification revoked under the provisions of U.S. DoD 5230.25 or Canada's TDCA.			
6. CONTRACTOR CERTIFICATION			
I certify that the information and certifications made by me are true, complete, and accurate to the best of my knowledge and belief and are made in good faith. I understand that a knowing and willful false statement on this form is a criminal offense under the Espionage Act (18 U.S.C. 793, 794) and the Privacy Act (5 U.S.C. 552a, 552a-6, 552a-7, 552a-9). See U.S. Code, Title 18, Section 793 and for Canadian Contractor see Section 27 of the Espionage Act (Production Act).			
a. TYPED NAME (Last, First, Middle Initial) SMITH, John B.			
b. TITLE President			
c. SIGNATURE SAMPLE			
d. DATE SIGNED 01-24-93			
7. CERTIFICATION ACTION (X one)			
<input checked="" type="checkbox"/> a. CERTIFICATION ACCEPTED: This certification number, along with a statement of intended data use, must be included with each request for military critical technical data.			
<input type="checkbox"/> b. RETURNED - Insufficient information			
<input type="checkbox"/> c. REJECTED - Does not meet eligibility requirement of DoD 5230.25 or Canada's TDCA.			
8. DoD OFFICIAL			
a. TYPED NAME (Last, First, Middle Initial)			
b. TITLE			
c. SIGNATURE			
d. DATE SIGNED			
e. NAME SIGNED			

Note:
Items 7, 8, and 9 are for the
use of US/Canada JCO.

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Tab 7

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Verify (703) 767-8274/(DSN) 427-8274

PREVIOUS EDITION IS OBSOLETE

When DTIC document number is unknown, print or type all known identifying information on one of the forms below. Avoid using classified titles. If classified information must be included, classify this form and mail as classified correspondence. DO NOT FAX or EMAIL CLASSIFIED INFORMATION.

1

SPONSORING MILITARY ACTIVITY		MILITARY REPORT NUMBER	ORIGINATING ACTIVITY (Give Specific Laboratory or Division and Location)
ORIGINATOR'S REPORT NUMBER	PERIOD COVERED AND/OR PROGRESS REPORT NUMBER		
PROJECT NUMBER	CONTRACT OR GRANT NUMBER OF REPORT		DATE PUBLISHED
REPORT TITLE AND PERSONAL AUTHORS			

2

SPONSORING MILITARY ACTIVITY		MILITARY REPORT NUMBER	ORIGINATING ACTIVITY (Give Specific Laboratory or Division and Location)
ORIGINATOR'S REPORT NUMBER	PERIOD COVERED AND/OR PROGRESS REPORT NUMBER		
PROJECT NUMBER	CONTRACT OR GRANT NUMBER OF REPORT		DATE PUBLISHED
REPORT TITLE AND PERSONAL AUTHORS			

3

SPONSORING MILITARY ACTIVITY		MILITARY REPORT NUMBER	ORIGINATING ACTIVITY (Give Specific Laboratory or Division and Location).
ORIGINATOR'S REPORT NUMBER	PERIOD COVERED AND/OR PROGRESS REPORT NUMBER		
PROJECT NUMBER	CONTRACT OR GRANT NUMBER OF REPORT		DATE PUBLISHED
REPORT TITLE AND PERSONAL AUTHORS			

4

SPONSORING MILITARY ACTIVITY		MILITARY REPORT NUMBER	ORIGINATING ACTIVITY (Give Specific Laboratory or Division and Location).
ORIGINATOR'S REPORT NUMBER	PERIOD COVERED AND OR PROGRESS		
PROJECT NUMBER	CONTRACT/GRANT NUMBER OF REPORT		DATE PUBLISHED
REPORT TITLE AND PERSONAL AUTHORS			



Document Order Form

Use this form to request DTIC documents.

If you wish to "pickup" your document, please **do not** use this form. For pickup requests, send an email message to: **msorders@dtic.mil** OR contact DTIC's Reference and Retrieval Services Branch at (703) 767-8274 or DSN 427-8274.

The information contained on this form is being sent *directly* through DTIC's Request Processing System, requiring no human intervention. In order to fulfill your document requests, the following are some specifics to note when completing this form:

- You may request **up to 10 documents** through this form. Each document requested will be charged against the **same** pay method and account number selected. (Note: To request more than 10 documents, complete and submit additional forms.)
- Field input must be "packed." **Example:** ADN (document order number) field input must be reflected as: A123456
- Some fields of input are required while others are optional. **Required** fields are: DTIC User Code, Pay Method, Account Number, Credit Card Expiration Date (if paying by credit card), AD Number, Contract Number (complete **ONLY** if you are a contractor requesting a classified document--also, you need only include the *last 6 digits*). **Optional** fields are: Email address and Telephone Number. Note: Optional fields are helpful if we need to contact you regarding your order.
- Items selected in some of the fields below indicate the "default" input for that field, which you may, of course, change.

Please complete ALL applicable information:

Your Email Address:

Your DTIC User Code:

Your Contract # (if applicable):

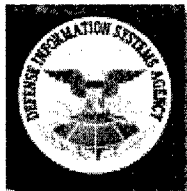
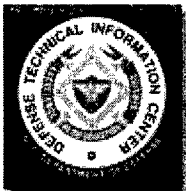
Your Phone #:

Customer assumes risk when submitting Deposit Account and Credit Card information via e-mail. As an alternative, this form can be returned to DTIC by fax ((703) 767-9070 or DSN 427-9070) or regular mail. If information is not given, DTIC will call the customer.

Payment Method (if applicable):

☐ Deposit Account ☐ VISA ☐ American Express ☐ MasterCard

Deposit Account or Credit Card Number: Credit Card Exp Date (DD/MM/YYYY or MM/YYYY): **DTIC Accession Number:** Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information: **DTIC Accession Number:** Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information: **DTIC Accession Number:** Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information: **DTIC Accession Number:** Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information: **DTIC Accession Number:** Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information: **DTIC Accession Number:** Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information: **DTIC Accession Number:** Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information:

DTIC Accession Number: Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information: **DTIC Accession Number:** Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information: **DTIC Accession Number:** Number of Copies: Delivery Method: ☒ Hardcopy ☐ Microfiche ☐ OtherSpecial Handling: ☒ None ☐ Priority ☐ ExpressRouting Information: bibs@dtic.mil

July 1999

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Tab 8

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NTIS DEPOSIT ACCOUNT APPLICATION

1. Please establish my NTIS Deposit Account as follows:

Last Name _____ First _____

Title _____

Company/Organization _____

Address _____

City _____ State _____ Zip _____

Phone Number _____

2. My method of payment is: (\$100.00 minimum initial deposit)

_____ Check/Money Order: Enclosed is a check or money order payable to NTIS for \$_____ in U.S. dollars drawn on a U.S. bank.

_____ Credit Card: Charge my initial deposit of \$_____ to:

American Express (Acct Number) _____ Exp Date _____

Master Card (Acct Number) _____ Exp Date _____

Visa (Acct Number) _____ Exp Date _____

_____ Federal Government Purchase Order: Enclosed is a Purchase Order

Please send me an SF 1081 for \$_____

Please send me an SF 1080 for \$_____

3. Signature required to validate order:

Signature _____ Date _____

4. Return this completed form and payment enclosures to:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

An NTIS Deposit Account is the Fast, Efficient, Economical Way to Order Reports!

Deposit Account Advantages Include:

- Easy ordering - by telephone, online, telegram.
- Monthly billing - no need to handle each transaction separately. Statements are rendered monthly when your account has activity, charges, or deposits. Documents and other services are automatically debited against your account. Your monthly statement will show transactions and account balances.
- Special order forms - account holders receive special deposit account order forms which speed mail orders, minimize accounting, and record tax deductible expenses. They also reduce chance of errors. And you can easily add internal routing to ensure delivery to the right location.
- Savings - save on shipping and handling fees by batching orders on your special order forms.

It's Easy To Open Your Deposit Account:

- Complete the application on the reverse and send it with a minimum deposit of \$100.00
- Then, simply keep a positive balance on hand (based on your established buying pattern to take full advantage of the many special benefits enjoyed by deposit account customers)!

How To Use Your NTIS Deposit Account:

- *To deposit money to your account:* Send check or money order with the top portion of your monthly statement or your payment voucher. Always indicate your deposit account number to assure proper credit of your account.
- *Proper account balances:* A balance sufficient to cover all orders submitted must be maintained. It is suggested that you keep a balance to cover 2 months' orders.

Inquiries Regarding Your NTIS Account Service Should be Sent to:

- National Technical Information Service
Accounting Department
5285 Port Royal Road
Springfield, VA 22161
- To call regarding your deposit account, dial (703) 487-4064.

Batch Your Orders and Save!

- A \$3.00 shipping and handling charge applies to each total order. It is to your advantage to order as many documents as possible on a single order. Your Deposit Account Order Forms make it easy to batch your order.

Sample Only

DEPOSIT ACCOUNT NOTIFICATION FORM

IMPORTANT INFORMATION ABOUT YOUR

NTIS DEPOSIT ACCOUNT(S)

BY REGISTERING YOUR DEPOSIT ACCOUNT NUMBER(S) WITH THE DEFENSE TECHNICAL INFORMATION CENTER (DTIC), YOU CAN PREVENT DELAYS WHEN ORDERING REPORTS. ALL ESTABLISHED DEPOSIT ACCOUNTS MUST BE ON FILE WITH DTIC BEFORE ORDERS CAN BE PROCESSED.

-----FOLD LINE-----

INSTRUCTIONS

Complete all items below. Print or type your address exactly as it appears on your DD Form 1540, Registration for Scientific and Technical Information Services. Fold this card so DTIC's address appears on the outside, affix your return address and postage, staple once along bottom edge, and return to DTIC.

DTIC USER CODE

ORGANIZATION NAME

ADDRESS (Street, City, State, Zip Code)

NTIS DEPOSIT ACCOUNT NUMBER(S)

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Tab 9

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Sample Only

AD NUMBER	DATE	DTIC ACCESSION NOTICE
1. REPORT IDENTIFYING INFORMATION		REQUESTER: <i>1. Put your mailing address on reverse of form.</i> <i>2. Complete items 1 and 2.</i> <i>3. Attach form to reports mailed to DTIC.</i> <i>4. Use unclassified information only.</i> <i>5. Do not order document for 6 to 8 weeks.</i>
A. ORIGINATING AGENCY		
B. REPORT TITLE AND/OR NUMBER		
C. MONITOR REPORT NUMBER		
D. PREPARED UNDER CONTRACT NUMBER		
2. DISTRIBUTION STATEMENT		DTIC: <i>1. Assign AD Number.</i> <i>2. Return to requester.</i>

DTIC Form 50
DEC 91

PREVIOUS EDITIONS ARE OBSOLETE

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Contributors Feedback Form

About this form.

Please fill in the form. When complete, press the **SEND** button to submit to DTIC .

Name:

Organization and Address:

Telephone Number:(Include Area Code)

E-Mail Address:

Organization Name: (Include your DTIC Source Code if known.)

For assistance call 703-767-9023

User Code:

Comments:

Display formats:

Would you like to receive the Complete Citation (Listed by AD Number):

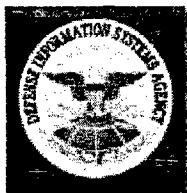
☒ Yes ☐ No

Select the Indexes (if any) you would like to receive:

AD Number: <input type="checkbox"/> (Lists only AD #'s)	Corporate Author: <input type="checkbox"/> (Corporate Author + Title + AD#)
Subject: <input type="checkbox"/> (Weighted Descriptor + AD#)	Report Number: <input type="checkbox"/> (Report # + AD)
Personal Author: <input type="checkbox"/> (Author + Title + AD#)	Title: <input type="checkbox"/> (AD# + Title + Report Date)
Contract Number: <input type="checkbox"/> (Contract# + Title + AD#)	All Indexes Listed: <input type="checkbox"/>

Send To DTIC

Blank Form To Start Over



rthoroug@dtic.mil

September 2000

Please Read This Privacy and Security Notice

Tab 10

DTIC – Form 55

DEFENSE TECHNICAL INFORMATION CENTER REQUEST FOR RELEASE OF LIMITED DOCUMENT		DTIC CONTROL NO.	USER ROUTING
<i>SECTION I – REQUESTING ORGANIZATION</i>			
1. REQUESTING ORGANIZATION AND ADDRESS	2. DTIC USER CODE NO.	3. DATE OF REQUEST	
	4. TYPE COPY AND QUANTITY <input type="checkbox"/> Paper Copy _____ Copy(s) <input type="checkbox"/> Microfiche _____ Copy(s)		
	5. CONTRACT NUMBER	6. CONTRACT SECURITY LEVEL	
7. GOVERNMENT SPONSOR AND ADDRESS (Contractors Only)	8. METHOD OF PAYMENT (X ONE) <input type="checkbox"/> VISA <input type="checkbox"/> MC <input type="checkbox"/> AMX <input type="checkbox"/> Charge to my NTIS Deposit Account No: _____ <input type="checkbox"/> Bill My Organization to the Attention of: _____		
9. CONTRACT MONITOR AND TELEPHONE NUMBER (Contractors Only)	10. NAME, TITLE, PHONE NUMBER OF REQUESTING OFFICIAL		
<i>SECTION II – BIBLIOGRAPHIC INFORMATION</i>			
11. AD NUMBER (If known):			
12. TITLE, REPORT NUMBER, AUTHOR(S)			
<i>SECTION III – REQUESTER JUSTIFICATION</i>			
12. REQUESTER JUSTIFICATION (Explain need in detail)			
<i>SECTION IV – RELEASING AGENCY</i>			
1. RELEASING AGENCY ADDRESS (If known)		2. RELEASING AGENCY DECISION (If the report was developed under the SBIR Program, refer to instruction B.7) <input type="checkbox"/> APPROVED FOR RELEASE TO THE ABOVE REQUESTER <input type="checkbox"/> DISAPPROVED. REASON FOR DISAPPROVAL _____ <input type="checkbox"/> APPROVED FOR PUBLIC RELEASE <input type="checkbox"/> DISTRIBUTION AUTHORIZED TO U.S. GOV'T AGENCIES & THEIR CONTRACTORS <input type="checkbox"/> DISTRIBUTION AUTHORIZED TO U.S. GOV'T AGENCIES ONLY <input type="checkbox"/> DISTRIBUTION AUTHORIZED TO DOD ONLY <input type="checkbox"/> DISTRIBUTION AUTHORIZED TO DOD & THEIR CONTRACTORS	
3. NAME AND TITLE OF RELEASING OFFICIAL	4. TELEPHONE NO.	5. SIGNATURE	6. DATE

DTIC - Form 55 Instructions

A. DTIC REQUESTER (Complete Sections I, II, and III)

1. Enter your routing information in the User Routing block, if desired, for your internal control purposes.
2. Contractors and Grantees must identify in Section I their government sponsor's name and telephone number, for need-to-know purposes.
3. Separate Forms 55 must be completed for each request. However, if the Releasing Agency is the same for all AD numbers requested, they may be listed on the same Form 55.
4. Explain in detail your requirement for the document. Include appropriate contract information and explain need-to-know in Section III.
5. Method of payment is required. Retain a copy for your records, mail or fax to:

DEFENSE TECHNICAL INFORMATION CENTER
ATTN: DTIC-BC (Registration)
8725 JOHN J. KINGMAN ROAD, SUITE 0944
FORT BELVOIR, VA 22060-6218

Commercial: 703-767-8271,
FAX: 703-767-9459,

DSN 427-8271
DSN 427-9459

DTIC will not accept any form of prepayment with this request. *(Service charge will be made only for documents approved for release.)*

6. If classified information **must** be included, **CLASSIFY THIS FORM ACCORDINGLY.**

B. RELEASING AGENCY (Complete Section IV)

1. Contractor's Government Sponsor's address, name and telephone number is included in **Section I (Blocks 7 & 9)** for your use.
2. Indicate in **Section IV, (Block 2)** approval or disapproval. Also check the appropriate block, if the distribution statement should be changed.
3. It is important to complete blocks 3-6. **DTIC cannot process Form 55 without a signature.**
4. Retain a copy for your records. Mail or fax a copy to DTIC.

DEFENSE TECHNICAL INFORMATION CENTER
ATTN: DTIC-BC (Registration)
8725 JOHN J. KINGMAN ROAD, SUITE 0944
FORT BELVOIR VA 22060-6218

Commercial: 703-767-8271,
FAX: 703-767-9459,

DSN 427-8271
DSN 427-9459

5. Any documents needed for review can be provided free of charge. DTIC policy requires a memo for Code 5 documents (Further Dissemination Only) stating that the document is needed for review. Classified documents require a DTIC User Code before they can be ordered.
6. As directed by ODDR&E(AT), Releasing Agencies should complete the form and return it to DTIC within 15 days.
7. **WARNING:** If the requested information is proprietary data developed under a **SBIR contract**, it *cannot* be released outside the U.S. Government for a period of FIVE years, after acceptance of the last contract deliverable item, without the written permission of the contractor (DFARS 252.227-7018).

EMBASSY REQUEST

DEFENSE TECHNICAL INFORMATION CENTER REQUEST FOR RELEASE OF LIMITED DOCUMENT

NOTE: This form may be classified if necessary. See instructions on reverse.

DTIC CONTROL NO.

F

USER ROUTING

SECTION I.
REQUESTING ORGANIZATION

REQUESTING ORGANIZATION AND ADDRESS

DTIC USER CODE NO.

DATE OF REQUEST

TYPE COPY AND QUANTITY

☐ Paper Copy _____ Copy(s) ☐ Microform _____ Copy(s)

METHOD OF PAYMENT (X ONE)

☐ Charge to NTIS Deposit Account No. _____

☐ Bill My Organization to the Attention of: _____

SIGNATURE, TITLE, PHONE NUMBER OF REQUESTING OFFICIAL

SECTION II.
BIBLIOGRAPHIC INFORMATION

AD NUMBER

BIBLIOGRAPHY (*Title, Report Number, Author(s)*)

SECTION III.
REQUESTER JUSTIFICATION

REQUIRED FOR (*Explain need in detail*)

SECTION IV.
RELEASING AGENCY DECISION

RELEASING AGENCY (*Use Post Office Address Format*)

RELEASING AGENCY DECISION

- ☐ APPROVED FOR RELEASE TO THE ABOVE REQUESTER. DOCUMENT TO BE PROVIDED BY RELEASING AUTHORITY.
- ☐ SANITIZED - PART OF TEXT REMOVED. DOCUMENT TO BE PROVIDED BY RELEASING AUTHORITY.
- ☐ SANITIZED - DISTRIBUTION LIST AND BIBLIOGRAPHY REMOVED. DOCUMENT TO BE PROVIDED BY RELEASING AUTHORITY.
- ☐ DISAPPROVED. REASON FOR DISAPPROVAL.
- ☐ _____
RELEASED UNDER EXCHANGE AGREEMENT.

TYPED NAME AND TITLE OF RELEASING OFFICIAL

TELEPHONE NO.

SIGNATURE

DATE

INSTRUCTIONS

A. DTIC REQUESTER (Complete Sections I and II)

1. Complete User Routing block, if desired, for your internal control purposes.
2. Indicate type of copy and quantity requested in Section I. Microfiche for limited documents cannot be sanitized & therefore requests cannot be filled.
3. Indicate your NTIS deposit account number. DTIC will not accept any form of prepayment with this request.
4. Requesting official must sign.
5. Enter AD Number you are requesting in Section II. Enter bibliographic information about the document in Section III.
6. Explain in detail your requirement for the document in Section III.
7. If classified information must be included, CLASSIFY THIS FORM ACCORDINGLY.
8. Complete the Releasing Agency/Foreign Disclosure Authority (FDA) block.
9. Do not include payment or order cards with this request. Retain a copy for your record and forward the original to:

DEFENSE TECHNICAL INFORMATION CENTER
ATTN: DTIC-BCS
8725 JOHN J. KINGMAN ROAD, SUITE 0944
FT. BELVOIR, VA 22060-6218

B. RELEASING AGENCY/FDA (Complete Section IV)

1. Review the request.
2. Check the appropriate block, type name, title, sign and enter date in Section IV. Retain a copy and return the original copy to DTIC.
3. If also released under a specific information or data exchange agreement between the United States and the Embassy (such as the Technical Cooperation Program (TTCP)), check the block and identify the implementing agreement.
4. As directed by USD(A&T)ODDR&E(AT), DoD Releasing Agency/FDA should:
 - a. Complete this form and return it to DTIC within 30 days.
 - b. Reexamine the need for a limited distribution statement on this document and, if possible, authorize its removal. To document this review, a memorandum indicating that the limitation statement can be removed.

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Tab 11

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Request for DTIC Database Products

1. User Code:		Report Control #:	FOR DTIC USE ONLY
3a. NTIS Deposit Account/Credit Card Type		Date Received:	
3b. Credit Card Number:		3c. Expiration Date:	
4. Requester's Name:			
5. Phone No.: (Include DSN)		6. FAX # and Email Address:	
9. Database Information:			
IR&D <input type="checkbox"/>	Work Unit <input type="checkbox"/>	Unclassified <input type="checkbox"/>	
CAB/ADD <input type="checkbox"/>	TR Bibliographic <input type="checkbox"/>	Confidential <input type="checkbox"/>	
		Secret <input type="checkbox"/>	
Other Databases _____ (i.e., Commercial, CD-ROM, Patents, Internet, etc.)			
WARNING: Request of commercial database searching may result in extra charges. Please consult the DTIC staff.			

2. From:
Organization: _____

ATTN: _____

Address: _____

City: _____ State: _____ Zip Code: _____

7. Date Information Needed: _____

8. Date Range to Cover:
2 year ☐ 5 year ☐ 10 year ☐
ALL ☐ Other _____

10. Contract/Grant/Program No.: _____

11. Request Title: _____

Notice: DTIC is now operating under a cost recovery system. Please contact DTIC for applicable charges.

12. Brief Narrative (one sentence or two):

13. Keywords:

Liaison:	Reviewed By:	Product Classification:	Product Formats:	Sent By:	Comments/Format:	FOR DTIC USE ONLY
Phone Request Taken By/Date:	Analyst/Date:	Unclassified <input type="checkbox"/>	Bibliography <input type="checkbox"/>	Mail <input type="checkbox"/>		
		Confidential <input type="checkbox"/>	Full Text <input type="checkbox"/>	Fax <input type="checkbox"/>		
Assigned By/To:	Clerk/Date Mailed:	Secret <input type="checkbox"/>	Index <input type="checkbox"/>	FTP <input type="checkbox"/>		
				Email <input type="checkbox"/>		
				Pick Up <input type="checkbox"/>		
				Phone <input type="checkbox"/>		

Any Questions - Contact:

ATTN: DTIC-BRR
Defense Technical Information Center
8725 John J. Kingman Road, Suite 0944
Ft. Belvoir, VA 22060-6218

(703) 767-8274
DSN 427-8274
Non-secure FAX (703) 767-9070
DSN 427-9070

INSTRUCTIONS FOR COMPLETING REQUEST FOR DTIC DATABASE SEARCH

Submit original to ATTN: DTIC-BRR, Defense Technical Information Center,
8725 John J. Kingman Road, Suite 0944, Ft. Belvoir, VA 22060-6218

1. **DoD User Code:** Submit DoD user code as shown on DD Form 1540 (Registration for Scientific and Technical Information Services).
2. **From:** Provide organization name and complete mailing address.
- 3a. **NTIS Deposit Account/Credit Card Type:** Billing method used by DTIC. A five digit account number assigned by the National Technical Information Service (NTIS). Type of Credit Card (i.e., MasterCard, Visa, American Express).
- 3b. **Credit Card Number:** Number of the Credit Card.
- 3c. **Expiration Date:** Date the Credit Card expires.
4. **Requester's Name:** Person requesting information.
5. **Phone No.:** Telephone number of person who is submitting the request. (Include area code. If DoD, include Defense Switched Network (DSN) number, formerly Autovon).
6. **FAX and Email Address:** FAX number of person who is submitting the request (If applicable). (Include area code. If DoD, include Defense Switched Network (DSN) number, formerly Autovon). Email: Electronic Mail address of person who is submitting the request (If applicable).
7. **Date Information Needed:** Indicate the date search results are needed.
8. **Date Range to Cover:** Specify the year range to be searched. (2 years (most recent), the past 5 years, 10 years or ALL, which searches the entire database or specific dates including month/year). If specific dates are needed, indicate in other.
9. **Database Information:** If known, indicate if information is desired from the Work Unit Information System (WUIS), the Technical Report (TR) Bibliographic System, the Independent Research and Development System (IR&D), or if none of the above apply, specify the database you wish to be searched. Annotate the security classification (Unclassified, Confidential or Secret) desired, which should not exceed what type of access is authorized in Section I, DD Form 1540 (Registration for Scientific and Technical Information Services).
10. **Contract/Grant/Program Number:** List the contract, grant, or program number as it appears in Section I, DD Form 1540, which authorizes the official requirement for services. (If Contractor)
11. **Request Title:** Provide a descriptive, unclassified title of the search results. (Optional)
12. **Brief Narrative:** Describe the subject information to be included in or excluded from the report, keep to one or two sentences.
13. **Key Words:** Describe the subject information to be included in or excluded from the report. Describe the comprehensiveness of the report (i.e., a few highly relevant citations or complete results). Indicate the following optional information: index or table of contents is desired; the information source(s) desired (Army, Navy, Air Force, all DoD, or all); the data element(s) by which the entire report is to be sorted.



Request for DTIC Database Products

To request a literature search of DTIC's databases, complete the form below. *There is a \$25 charge for each literature search.* A valid DTIC User Code and payment method must be entered or your request cannot be processed. If you are not already a registered DTIC user, and would like to learn how to register, the Registration Process page provides the necessary information and provides a link to a general registration request form.

When performing online searches, the accuracy of the records retrieved depends largely on the information you supply. Please be specific and provide as much information as possible.

User Code

Name, Organization and Address:

**Phone Number (Commercial & DSN):****FAX Number (Commercial & DSN):****Email Address:**

Briefly explain the nature of your problem:

List the keywords and any relevant synonyms:

Date Span:

☐ 2 years ☐ 5 years ☐ 10 years ☐ All ☐ Other

Other Date Span:

Database Information:

☐ IR&D ☐ Research Summaries (*formerly TEAMS*) ☐ TR Bibliographic
☐ Other Databases

Other databases to search:

☐ Unclassified ☐ Confidential ☐ Secret

NOTE: Customer assumes risk when submitting Deposit Account and Credit Card information via the Internet.

Method of Payment (if applicable):

☐ Deposit Account
☐ Credit Card:
☐ Visa ☐ Master Card ☐ American Express

Deposit Account or Credit Card Number: _____

Credit Card Expiration Date: _____

Contract/Grant/Program No.:

Send Reset

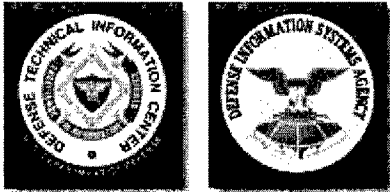
DTIC Privacy and Security Notice

If you need assistance or have questions, contact DTIC's Reference and Retrieval Division staff:

Phone: (703) 767-8274 / DSN 427-8274

Toll Free: 1-800-CAL-DTIC (225-3842), (Order Information--selection 1, option 1)

Email: bibs@dtic.mil



bibs@dtic.mil

September 2000

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Tab 12

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NONPRINT FORM

Page 1 of 5

1. Type of Product: CD-ROM	2. Operating System/Version: MAC or PC	3. New Product or Replacement: New	4. Type of File: Report in PDF format
5. Language/Utility Program: ADOBE ACROBAT Reader 2.0			
6. # of Files/#of Products: n/a	7. Character Set: ASCII	8. Disk Capacity: 650 MB	
	9. Compatibility: MAC and PC	10. Disk Size: 4 3/4"	
11. Title: 50 YRS. of the FITTS Human engineering Division			
12. Performing Organization: AFMC, Armstrong Lab. WPAFB, OH 45433-7022	13. Performing Report#: n/a	14. Contract#: n/a	
		15. Program Element#: n/a	
16. Sponsor/Monitor: Crew Systems Directorate Human Engineering Division Armstrong Laboratory Air Force Material Command Wright-Patterson AFB, OH 45433-7022	17. Sponsor/Monitor Acronym: n/a	19. Project #: n/a	
	18. Sponsor/Monitor#: n/a	20. Task#: n/a	
		21. Work Unit#: n/a	
22. Date: 1995		23. Classification of Product:	
24. Security Classification Authority:		25. Declassification/Downgrade Schedule:	
26. Distribution/Availability: A: Approved for public release; distribution unlimited			

27. Abstract:

The sub-title is "History and Cumulative Bibliography of the Fitts Engineering Division." This division started as the Psychology Branch in the Aero Medical Laboratory at Wright Field. The emphasis has been on discovering and incorporating the scientific study of human capabilities into military equipment, procedures and work.

28. Classification of Abstract:

Unclassified

29. Limitation of Abstract:

Unlimited

30. Subject Terms:**31. Required Peripherals:****32. # of Physical Records:****33. # of Logical Records:****34. # of Tracks:****35. Record Type:****36. Color:****37. Recording System:****38. Recording Density:****39. Parity:****40. Playtime:****41. Playback Speed:****42. Video:****43. Text:****44. Still Photos:****45. Audio:****46. Other:****47. Documentation/Supplemental Information:**

Includes 2 page readme file on paper

48. Point of Contact/Telephone#:

Ms Becky Green: 517-255-7582, OR dsn: 785-7582

ENTER INFORMATION ONLY IN THOSE BLACKS WHICH APPLY TO THE TYPE OF NONPRINT PRODUCT YOU ARE SUBMITTING. It is important to stay within the lines of the form to meet

1. Type of Product: Enter type of nonprint product. Examples: CD-ROM, Magnetic Tape, Computer Disks, Videocassette.
2. Operating System/Version: Identify the operating system software used to produce the nonprint product. Include version, if possible. Examples: MS-DOS, Unix, OS/2, Mac, Windows.
3. New Product or Replacement: Enter "new" or "replacement" (if nonprint product has previously been submitted to DTIC and this submission is an upgrade or replacement).
4. Type of File: (Software or Database, or Both). If product contains both software (e.g. a program) and a database, for example, enter "Both".
5. Language/Utility Program: Enter the name of the utility program or the database language used to create the nonprint product. Identify release or version if possible.
6. No. of files/No. of Products: Identify the total number of files and the total number of nonprint products being submitted separated by a slash. Example: one program on one videotape would be 1/1; a total of 64 files on two disks would be 64/2.
7. Character Set: Enter the applicable character set, if known. Examples; ASCII, binary.
8. Disk Capacity: Enter the capacity of the disks being submitted. Example: 720k, 2.OMB, 660MB.
9. Machine Compatibility: List the machine with which the nonprint product is compatible. Examples: PC (for IBM-PC compatibles), MAC, Unix.
10. Disk Size: Enter the size of the disks being submitted. Example 3 1/2", 5 1/4".
11. Title: Enter the title used to most specifically identify the nonprint product being submitted. Include volume number or version, if applicable. Example: EARTHQUAKE PREDICTION SOFTWARE ver.1.2.
12. Performing Organization: Enter the name and address of the organization responsible for producing the nonprint product being submitted.
13. Performing Report No.: Enter unique # assigned by performing organization.
14. Contract No.: Enter the contract # (C) or Grant # (G) as it appears in the report. e.g. F3651-86-C5169.
15. Program Element No.: Enter the PE# if available, e.g. 61101A.
16. Sponsor/Monitor: Enter the name and address of the agency responsible for administering or monitoring the project, contract, or grant under which the nonprint product being submitted was

17. Sponsor/Monitor Acronym: Enter the acronym if available.
18. Sponsor/Monitor#: Enter the unique alphanumeric report number assigned by the sponsoring/monitoring organization e.g. TR-249,TP-215.
19. Project#: Enter the PR# if available e.g. IF665702D127,ILIR.
20. Task No.: Enter the TA# if available e.g. 05,RF0330201, T4112.
21. Work Unit No.: Enter the WU# if available, e.g. 001, AFAPL30480105.
22. Date: Give the fullest completion data available {ddmmyy} for the nonprint product being submitted. Must cite year as a minimum. Examples: 31 Jun 92, Jun 92, 1992.
23. Classification of Product: Enter U.S. Security classification in accordance with U.S. Security Regulations (e.g. U, C, S).
24. Security Classification Authority: If applicable, enter the commonly-used markings in accordance with DoDD 5200.1-R, chapter IV, section 4, paragraph 4-400 and 4-402. Indicates classification authority.
25. Declassification/Downgrading Schedule: Indicate specific data or event for declassification or the notation "originating Agency Determination Required: or OADR. Also insert (when applicable) downgrade to ___ on ___ (e.g. Downgrade to Confidential on 5 July 1983). (See also DoDD 5220-M, Industrial Security Manual for Safeguarding Classified Information, Appendix II).
26. Distribution/Availability Statement and Restrictive Markings: Denotes public availability or limitations. Cite any availability to the public. Enter restrictive markings in capitals (e.g. CNWDI, RD, NATO) See DoDD 5230.24, Industrial Security Manual for Safeguarding Classified Information, Appendix II).
27. Abstract: Include a brief (maximum 200 words) factual summary of the most significant information contained in the nonprint product being submitted.
28. Classification of Abstract: Enter U.S. Security Classification in accordance with U.S. Security Regulations (e.g. U, C, S).
29. Limitation of Abstract: This block must be completed to assign a limitation to the abstract. Enter either UL (unlimited) or SAR (same as report). An entry in this block is necessary if the abstract is to be limited. If blank, the abstract is assumed to be unlimited.
30. Subject Terms: Key words or phrases identifying major subjects (your choice).
31. Required Peripherals: List any equipment not listed elsewhere on the form or which is not obviously required which is needed to access the nonprint product (e.g. color printer, scanner).
32. No. of Physical Records: Enter the number of physical records (blocks) in the nonprint product being submitted. This number is usually supplied by utility programs which copy physical records without regard to the logical structure of the item. Labels are not included in this count.
MAGNETIC TAPE PRODUCTS ONLY.

33. # of Logical Records: Enter the number of logical records in the nonprint product. This number is usually supplied by the program which created the files. Labels are not included in this count. **MAGNETIC TAPE PRODUCTS ONLY.**
34. # of Tracks: **MAGNETIC TAPE PRODUCTS ONLY.**
35. Record Type: Fixed length or other. **MAGNETIC TAPE PRODUCTS ONLY.**
36. Color: Black & White, Color or Mixed (SVGA, etc.)
37. Recording System: Indicate recording format (e.g. VHS, BETA).
38. Recording Density: Enter the density as applicable. Example: for magnetic tapes enter bits recorded per inch (200, 1600, 6250 bpi, etc.)
39. Parity: Indicate if odd or even.
40. Playtime: Indicate in format 00:02:40:13 (e.g. for 2 hrs, 40 min., 13 sec.)
41. Playback Speed: Indicate, if known. For example: 3 3/4 ips; 33 1/2 rpm.
42. Video: Indicate presence (Y/N) for CD-ROM submissions.
43. Text: Indicate presence (Y/N) for CD-ROM submissions.
44. Still Photos: Indicate presence (Y/N) for CD-ROM submissions.
45. Audio: Indicate presence (Y/N) for CD-ROM submissions.
46. Other: Use this block to indicate any other information for which there is not an applicable block.
47. Documentation/Supplemental Information. List documentation required to accompany the nonprint product being submitted, such as an associated user manual also submitted. Include the medium of the documentation (papercopy, disk) and availability.
48. Point of Contact/Telephone No.: List the name, address and telephone number of a person who can provide additional information about the nonprint product being submitted. In some cases, you might have two people listed: one POC for subject/content; one for media/technical questions.

DOUBLE CHECKED THAT YOU HAVE COMPLETED THE FOLLOWING BLOCKS FOR THE APPROPRIATE TYPE OF NONPRINT PRODUCT:

for **DISKS** (Floppy or CD-ROM): Blocks 1-31, 47-48

for **VIDEOS**: Blocks 1, 3, 11-31, 36-37, 40-41, 47-48

for **MAGNETIC TAPES** (Reels or cartridges): Blocks 1, 3, 11-39, 46-48

for **MULTIMEDIA CD-ROMS**: Blocks 1-31, 36, 42-48

BLOCKS 24 and 25 only required for classified products.

Other information:

The nonprint product does not require the same limitation or classification as any associated paper copy technical report. However, if either must accompany the other, the most restrictive limitation or classification will be applied to both.

Tab 13

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REPORT DOCUMENTATION PAGE*Form Approved*
OMB No. 0704-0188

The public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.**1. REPORT DATE (DD-MM-YYYY)****2. REPORT TYPE****3. DATES COVERED (From - To)****4. TITLE AND SUBTITLE****5a. CONTRACT NUMBER****5b. GRANT NUMBER****5c. PROGRAM ELEMENT NUMBER****6. AUTHOR(S)****5d. PROJECT NUMBER****5e. TASK NUMBER****5f. WORK UNIT NUMBER****7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)****8. PERFORMING ORGANIZATION
REPORT NUMBER****9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)****10. SPONSOR/MONITOR'S ACRONYM(S)****11. SPONSOR/MONITOR'S REPORT
NUMBER(S)****12. DISTRIBUTION/AVAILABILITY STATEMENT****13. SUPPLEMENTARY NOTES****14. ABSTRACT****15. SUBJECT TERMS****16. SECURITY CLASSIFICATION OF:****a. REPORT****b. ABSTRACT****c. THIS PAGE****17. LIMITATION OF
ABSTRACT****18. NUMBER
OF
PAGES****19a. NAME OF RESPONSIBLE PERSON****19b. TELEPHONE NUMBER (Include area code)**

INSTRUCTIONS FOR COMPLETING SF 298

1. REPORT DATE. Full publication date, including day, month, if available. Must cite at least the year and be Year 2000 compliant, e.g. 30-06-1998; xx-06-1998; xx-xx-1998.

2. REPORT TYPE. State the type of report, such as final, technical, interim, memorandum, master's thesis, progress, quarterly, research, special, group study, etc.

3. DATES COVERED. Indicate the time during which the work was performed and the report was written, e.g., Jun 1997 - Jun 1998; 1-10 Jun 1996; May - Nov 1998; Nov 1998.

4. TITLE. Enter title and subtitle with volume number and part number, if applicable. On classified documents, enter the title classification in parentheses.

5a. CONTRACT NUMBER. Enter all contract numbers as they appear in the report, e.g. F33615-86-C-5169.

5b. GRANT NUMBER. Enter all grant numbers as they appear in the report, e.g. AFOSR-82-1234.

5c. PROGRAM ELEMENT NUMBER. Enter all program element numbers as they appear in the report, e.g. 61101A.

5d. PROJECT NUMBER. Enter all project numbers as they appear in the report, e.g. 1F665702D1257; ILIR.

5e. TASK NUMBER. Enter all task numbers as they appear in the report, e.g. 05; RF0330201; T4112.

5f. WORK UNIT NUMBER. Enter all work unit numbers as they appear in the report, e.g. 001; AFAPL30480105.

6. AUTHOR(S). Enter name(s) of person(s) responsible for writing the report, performing the research, or credited with the content of the report. The form of entry is the last name, first name, middle initial, and additional qualifiers separated by commas, e.g. Smith, Richard, J, Jr.

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES). Self-explanatory.

8. PERFORMING ORGANIZATION REPORT NUMBER. Enter all unique alphanumeric report numbers assigned by the performing organization, e.g. BRL-1234; AFWL-TR-85-4017-Vol-21-PT-2.

9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES). Enter the name and address of the organization(s) financially responsible for and monitoring the work.

10. SPONSOR/MONITOR'S ACRONYM(S). Enter, if available, e.g. BRL, ARDEC, NADC.

11. SPONSOR/MONITOR'S REPORT NUMBER(S). Enter report number as assigned by the sponsoring/monitoring agency, if available, e.g. BRL-TR-829; -215.

12. DISTRIBUTION/AVAILABILITY STATEMENT. Use agency-mandated availability statements to indicate the public availability or distribution limitations of the report. If additional limitations/ restrictions or special markings are indicated, follow agency authorization procedures, e.g. RD/FRD, PROPIN, ITAR, etc. Include copyright information.

13. SUPPLEMENTARY NOTES. Enter information not included elsewhere such as: prepared in cooperation with; translation of; report supersedes; old edition number, etc.

14. ABSTRACT. A brief (approximately 200 words) factual summary of the most significant information.

15. SUBJECT TERMS. Key words or phrases identifying major concepts in the report.

16. SECURITY CLASSIFICATION. Enter security classification in accordance with security classification regulations, e.g. U, C, S, etc. If this form contains classified information, stamp classification level on the top and bottom of this page.

17. LIMITATION OF ABSTRACT. This block must be completed to assign a distribution limitation to the abstract. Enter UU (Unclassified Unlimited) or SAR (Same as Report). An entry in this block is necessary if the abstract is to be limited.

REPORT DOCUMENTATION PAGE			Form Approved OMB No. 0704-0188	
Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503.				
1. AGENCY USE ONLY (Leave blank)	2. REPORT DATE April 1993	3. REPORT TYPE AND DATES COVERED FINAL: Jul 92 - Mar 93		
4. TITLE AND SUBTITLE Determination of Body Density for Twelve Bird Species		5. FUNDING NUMBERS PE - 64212F PR - 1926 TA - 01 WU - 10		
6. AUTHOR(S) David M. Hamershock (513-255-6524) ¹ Thomas W. Seamans (419-625-0242) ² Glen E. Bernhardt (419-625-0242) ²				
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) ¹ Flight Dynamics Directorate Wright Laboratory, AFMC Wright-Patterson AFB OH 45433-7562 ² USDA, Denver Wildlife Research Center 6100 Columbus Ave, Sandusky OH 44870		8. PERFORMING ORGANIZATION REPORT NUMBER WL-TR-93-3049		
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) Flight Dynamics Directorate Wright Laboratory Air Force Materiel Command Wright-Patterson AFB OH 45433-7562		10. SPONSORING/MONITORING AGENCY REPORT NUMBER WL-TR-93-3049		
11. SUPPLEMENTARY NOTES				
12a. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution is unlimited.		12b. DISTRIBUTION CODE		
13. ABSTRACT (Maximum 200 words) Body density, mass, wingspan, and circumference measurements were completed on 12 bird species to better understand the bird/aircraft collision hazard. Body densities for the 12 species ranged from 0.602-0.918 g/cm ³ dry, 0.743-0.947 g/cm ³ wet, and 0.880-1.050 g/cm ³ plucked. The mean length-to-diameter ratio of the 12 species was 4.8 ± 0.3. Significant negative correlations were found between dry density ($\bar{N} = 144$) and wingspan ($r = -0.52$, $\bar{p} < 0.001$), dry circumference ($r = -0.229$, $\bar{p} < 0.006$), or body length ($r = -0.264$, $\bar{p} < 0.001$). The percent of body mass represented by feathers differed among species, but not by sex or sex x species. Herring Gulls, Turkey Vultures, and Laughing Gulls had 9-10 % of their body mass in feathers while seven other species had 2-4 % of their body mass in feathers. An understanding of avian body density is essential to 1) aid standardization of international birdstrike testing techniques, 2) establish the acceptability and validity of using "artificial" birds for aircraft birdstrike testing, 3) establish birdstrike resistance standards for aircraft components, and 4) aid computer modeling of bird bodies.				
14. SUBJECT TERMS Bird Strike Testing, Aircraft Collisions, Bird Density, Bird Length, Bird Mass, Bird Circumference, Wingspan, Artificial Birds, Bird Feathers, Bird Strike Standards			15. NUMBER OF PAGES 20	
			16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT Unlimited	

GENERAL INSTRUCTIONS FOR COMPLETING SF 298

The Report Documentation Page (RDP) is used in announcing and cataloging reports. It is important that this information be consistent with the rest of the report, particularly the cover and title page. Instructions for filling in each block of the form follow. It is important to **stay within the lines** to meet **optical scanning requirements**.

Block 1. Agency Use Only (Leave blank).

Block 2. Report Date. Full publication date including day, month, and year, if available (e.g. 1 Jan 88). Must cite at least the year.

Block 3. Type of Report and Dates Covered. State whether report is interim, final, etc. If applicable, enter inclusive report dates (e.g. 10 Jun 87 - 30 Jun 88).

Block 4. Title and Subtitle. A title is taken from the part of the report that provides the most meaningful and complete information. When a report is prepared in more than one volume, repeat the primary title, add volume number, and include subtitle for the specific volume. On classified documents enter the title classification in parentheses.

Block 5. Funding Numbers. To include contract and grant numbers; may include program element number(s), project number(s), task number(s), and work unit number(s). Use the following labels:

C - Contract	PR - Project
G - Grant	TA - Task
PE - Program Element	WU - Work Unit Accession No.

Block 6. Author(s). Name(s) of person(s) responsible for writing the report, performing the research, or credited with the content of the report. If editor or compiler, this should follow the name(s).

Block 7. Performing Organization Name(s) and Address(es). Self-explanatory.

Block 8. Performing Organization Report Number. Enter the unique alphanumeric report number(s) assigned by the organization performing the report.

Block 9. Sponsoring/Monitoring Agency Name(s) and Address(es). Self-explanatory.

Block 10. Sponsoring/Monitoring Agency Report Number. (If known)

Block 11. Supplementary Notes. Enter information not included elsewhere such as: Prepared in cooperation with...; Trans. of...; To be published in.... When a report is revised, include a statement whether the new report supersedes or supplements the older report.

Block 12a. Distribution/Availability Statement. Denotes public availability or limitations. Cite any availability to the public. Enter additional limitations or special markings in all capitals (e.g. NOFORN, REL, ITAR).

DOD - See DoDD 5230.24, "Distribution Statements on Technical Documents."

DOE - See authorities.

NASA - See Handbook NHB 2200.2.

NTIS - Leave blank.

Block 12b. Distribution Code.

DOD - Leave blank.

DOE - Enter DOE distribution categories from the Standard Distribution for Unclassified Scientific and Technical Reports.

NASA - Leave blank.

NTIS - Leave blank.

Block 13. Abstract. Include a brief (*Maximum 200 words*) factual summary of the most significant information contained in the report.

Block 14. Subject Terms. Keywords or phrases identifying major subjects in the report.

Block 15. Number of Pages. Enter the total number of pages.

Block 16. Price Code. Enter appropriate price code (*NTIS only*).

Blocks 17. - 19. Security Classifications. Self-explanatory. Enter U.S. Security Classification in accordance with U.S. Security Regulations (i.e., UNCLASSIFIED). If form contains classified information, stamp classification on the top and bottom of the page.

Block 20. Limitation of Abstract. This block must be completed to assign a limitation to the abstract. Enter either UL (unlimited) or SAR (same as report). An entry in this block is necessary if the abstract is to be limited. If blank, the abstract is assumed to be unlimited.

Tab 14

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DATA ITEM DESCRIPTIONForm Approved
OMB No. 0704-0188

The public reporting burden for this collection of information is estimated to average 110 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.

1. TITLE		2. IDENTIFICATION NUMBER	
Scientific and Technical Reports		DI-MISC-80711A	
3. DESCRIPTION/PURPOSE			
3.1 Scientific and Technical Reports document and disseminate the precise nature and results of analytical studies, research, development, test and evaluation (RDT&E) on an assigned task(s) to the analytical, scientific, technical and management community. Scientific and Technical Reports, may be definitive for the subject presented, exploratory in nature, or an evaluation of critical subsystem or of technical problems.			
4. APPROVAL DATE (YYYYMMDD)	5. OFFICE OF PRIMARY RESPONSIBILITY (OPR)	6a. DTIC APPLICABLE	6b. GIDEP APPLICABLE
20000121	L/DD	X	
7. APPLICATION/INTERRELATIONSHIP			
7.1 This DID contains the format requirements and preparation instructions for the information product generated by the specific and discrete task requirement as delineated in the contract.			
7.2 This DID is applicable to the elements, organization and design of technical publications.			
7.3 This DID supersedes UDI-S-23272C, DI-S-4057, DI-S-3591A, and DI-MISC-80711.			
7.4 Defense Technical Information Center (DTIC), 8725 John J. Kingman Rd., Ste. 0944, Ft. Belvoir, VA 22060-6218			
8. APPROVAL LIMITATION	9a. APPLICABLE FORMS	9b. AMSC NUMBER	
	SF 298	S4382	
10. PREPARATION INSTRUCTIONS			
10.1 <u>Reference document</u> . The applicable issue of the documents cited herein, including their approval dates and dates of any applicable amendments, notices, and revisions, shall be as specified in the contract.			
10.2 Document format shall be in accordance with ANSI/NISO Z39.18 Scientific and Technical Reports -- Elements, Organization, and Design.			
10.3 Document content shall be clearly written, describe accomplishments and other facts adequately with no technical errors, and be acceptable for release. If marked unclassified, unlimited, they should be accompanied by a letter certifying that the documents have been cleared for public release and sale, to include foreign nationals.			
11. DISTRIBUTION STATEMENT			
Distribution Statement A: Approved for public release; distribution is unlimited.			

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DATA ITEM DESCRIPTION

Title: TECHNICAL REPORT - STUDY/SERVICES

Number: **DI-MISC-80508A**

Approval Date: 7 November 2000

Office of Primary Responsibility: G/TS-ALS

GIDEP Applicable: No

Applicable Forms: No

AMSC Number: G7408

DTIC Applicable: Defense Technical Information Center (DTIC), 8725 John J. Kingman Rd.,
Ste. 0944, Ft. Belvoir, VA 22060-6218

Use/Relationship

A technical report provides fully documented results of studies or analyses performed.

This data item description contains the format and content instructions for the data product generated by the specific and discrete task requirement as delineated in the contract.

This DID supersede DI-MISC-80508.

Requirements:

1. Format.

(a) The report and all attachments shall be typewritten, or otherwise clearly lettered, and shall be duplicated using non-fading ink.

(b) Text shall be prepared on standard letter size paper (8 1/2" x 11").

(c) When attachments are included, they shall be fully identified, referenced in the text, and folded to conform to the size paper used in the report.

(d) Security classification and distribution markings shall conform to the requirements of the contract, purchase description and security requirements checklist, as applicable.

2. Content.

(a) Title Page - Identifies the report by providing contract number, project name or purchase description title, task number, and reporting period.

(b) Table of Contents

(c) Section I - Includes the following:

(1) Introduction

(2) Summary - A brief statement of results obtained from the analytic effort.

(3) Conclusions and their condensed technical substantiation's.

(d) Section II - A complete and detailed description of the analytic results which led to the conclusions stated in Section I above.

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DEFENSE INFORMATION SYSTEMS AGENCY
DEFENSE TECHNICAL INFORMATION CENTER
8725 JOHN J KINGMAN RD STE 0944
FT BELVOIR VA 22060-6218

IN REPLY
REFER TO

DTIC-OCA (703) 767-8040 (DSN) 427-8040

SUBJECT: Request for Scientific and Technical Report

TO: US ARMY MED RSCH & MATERIAL COMMAND
MCMR-RM1-S
FORT DETRICK - BLDG 504
FREDERICK MD 21702-5012

1. Reference: COMPATIBILITY OF ANVIS WITH SPH-4B HELMET

U98-09-1885 19911100
MCLAINE W

2. A Defense Technical Information Center (DTIC) registered user has requested the referenced document(s). Unfortunately, we have been unable to locate the document(s) in our collection. If you have copies of this report(s) in your possession, please forward a copy to DTIC. Indicate the appropriate distribution statement on the form we have enclosed if you are the office of primary responsibility(OPR) for the report. If you are not and know who is, please note that information on the attached form or telephone us at the numbers listed below.

3. The government authority for this request is Department of Defense Directive DoDD 3200.12, DoD Scientific and Technical Information program, which requires DoD components, agencies, and their contractors to submit in-house and contracted technical reports and studies and analysis efforts to DTIC.

4. We have enclosed a shipping label for transporting the report(s) and a DTIC Form 50 which facilitates DTIC advising you of a technical report accession number. For information on DoD distribution codes see DoDD 5230.24, Distribution Statements on Technical Documents, a copy of which is available from the internet at URL: <http://www.dtic.mil/adm>.

5. DTIC'S value-adding bibliographic and advertising services provide current awareness of published technical information to the DoD and their contractors which helps reduce duplication of effort and/or overlap.

DTIC-OCA

PAGE 2

SUBJECT: Request for Scientific and Technical Reports

6. A DTIC user has requested this document. The bib element supplied by the requester may be limited for identification or contains inaccurate information. Any assistance is appreciated.

7. Questions may be directed to our acquisition office staff:

Telephone: (703) 767-8040 - DSN 427-8040

FAX: (703) 767 8032 - DSN 427-8032

E-mail: aq@dtic.mil

UC 26482

Jesse Willis Smith, Jr.
Acquisitions Branch

DEFENSE TECHNICAL INFORMATION CENTER REQUEST FOR SCIENTIFIC AND TECHNICAL REPORTS

Title

.....
.....

1. Report Availability *(Please check one box)*

- ☐ This report is available. *Complete sections 2a - 2f.*
- ☐ This report is not available. *Complete section 3.*

**2a. Number of
Copies Forwarded**

2b. Forwarding Date

2c. Distribution Statement *(Please check ONE box)*

DoD Directive 5230.24, "Distribution Statements on Technical Documents," 18 Mar 87, contains seven distribution statements, as described briefly below. Technical documents MUST be assigned a distribution statement.

- ☐ DISTRIBUTION STATEMENT A: Approved for public release. Distribution is unlimited.
- ☐ DISTRIBUTION STATEMENT B: Distribution authorized to U.S. Government Agencies only.
- ☐ DISTRIBUTION STATEMENT C: Distribution authorized to U.S. Government Agencies and their contractors.
- ☐ DISTRIBUTION STATEMENT D: Distribution authorized to U.S. Department of Defense (DoD) and U.S. DoD contractors only.
- ☐ DISTRIBUTION STATEMENT E: Distribution authorized to U.S. Department of Defense (DoD) components only.
- ☐ DISTRIBUTION STATEMENT F: Further dissemination only as directed by the controlling DoD office indicated below or by higher authority.
- ☐ DISTRIBUTION STATEMENT X: Distribution authorized to U.S. Government agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with DoD Directive 5230.25, Withholding of Unclassified Technical Data from Public Disclosure, 6 Nov 84.

2d. Reason For the Above Distribution Statement *(in accordance with DoD Directive 5230.24)*

2e. Controlling Office

**2f. Date of Distribution Statement
Determination**

3. This report is NOT forwarded for the following reasons. *(Please check appropriate box)*

- ☐ It was previously forwarded to DTIC on (date) and the AD number is
- ☐ It will be published at a later date. Enter approximate date if known.
- ☐ In accordance with the provisions of DoD Directive 3200.12, the requested document is not supplied because:

.....
.....
.....

Print or Type Name

Signature

Telephone

(For DTIC Use Only)
AQ Number

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Tab 16

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IR&D DATA BLOCK

Appendix E

INDEPENDENT RESEARCH AND DEVELOPMENT PROJECT DATA (INFORMATION IN THIS BLOCK MUST BE UNCLASSIFIED)					
Information in this block is furnished by the company in confidence with the claims that: (a) it falls within the exception under subsection (b)(4) of 5 U.S.C. 552, and (b) it is subject to 18 U.S.C. 1905. The information contained herein is furnished for the sole purpose of identifying the subject program, and the DoD shall except as required by the resolution of litigation or the direction of preemptive authority (e.g., The President, Congress, Justice Department) preclude disclosure to other than duly authorized Government Personnel. Any authorized reproduction or disclosure of the information contained herein, in whole or in part, shall include this notice.					
PROJECT TITLE					PROJECT NUMBER
ACCESSION NUMBER	TECH PLAN FY	REPORT DATE	PROJECT START DATE	PRIOR YEAR \$K	CURRENT YEAR \$K
ORGANIZATION NAME, ADDRESS, CITY, STATE				ZIP CODE	ORG. SOURCE CODE
TECHNICAL PLAN FOCAL POINT NAME				TELEPHONE	
PROJECT MANAGER/PRINCIPAL INVESTIGATOR				TELEPHONE	
MISSION AREAS	FUNCTIONS		TECHNOLOGIES	CATEGORY	PROJECT SENS.

NEED

OBJECTIVES

APPROACH

PROGRESS

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Tab 17

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performance of the work.

(b) In R&D contracting, precise specifications are ordinarily not available. The contracting officer should therefore take special care in reviewing the solicitation evaluation factors to ~~use~~ assure that they are properly presented and consistent with the solicitation.

(c) When a small business concern would otherwise be selected for award but is considered not responsible, the SBA Certificate of Competency procedure shall be followed (see Subpart 19.6).

(d) The contracting officer should use the procedures in Subpart 15.10 to notify and debrief offerors.

(e) It is important to evaluate a proposed contractor's cost or price estimate, not only to determine whether the estimate is reasonable but also to provide valuable insight into the offeror's understanding of the project, perception of risks, and ability to ~~use~~ organize and perform the work. Cost or price analysis, as appropriate (see 15.805), is a useful tool.

35.009 Subcontracting research and development effort.

Since the selection of R&D contractors is substantially based on the best scientific and technological sources, it is important that the contractor not subcontract technical or scientific work without the contracting officer's advance knowledge. During the negotiation of a cost-reimbursement R&D contract, the contracting officer shall obtain complete information concerning the contractor's plans for subcontracting any portion of the experimental, research, or development effort (see also 35.007(c)). Also, when negotiating a fixed-price contract, the contracting officer should evaluate this information and may obtain an agreement that protects the Government's interests. The clause at 52.244-2, Subcontracts (Cost-Reimbursement and Letter Contracts), prescribed for cost-reimbursement contracts at 44.204(c), requires the contracting officer's prior approval for the placement of a substantial cost-reimbursement subcontract that has experimental, developmental, or research work as one of its purposes.

35.010 Scientific and technical reports.

(a) R&D contracts shall require contractors to furnish scientific and technical reports, consistent with the objectives of the effort involved, as a permanent record of the work accomplished under the contract.

(b) Agencies should make R&D contract results available to other Government activities and the private sector. Contracting officers shall follow agency regulations regarding such matters as national security, protection of data, and new-technology dissemination policy. Reports should be sent to the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161. When agencies require that completed reports be covered by a report documentation page, Standard Form (SF) 298, Report Documentation Page, the contractor should submit a copy with the report.

35.011 Data.

(a) R&D contracts shall specify the technical data to be delivered under the contract, since the data clauses required by Part 27 do not require the *delivery* of any such data.

(b) In planning a developmental program when subsequent production contracts are contemplated, consideration should be given to the need and time required to obtain a technical package (plans, drawings, specifications, and other descriptive information) that can be used to achieve competition in production contracts. In some situations, the developmental contractor may be in the best position to produce such a technical package.

35.012 Patent rights.

FAR, Part 35. Research and Development Contracting

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OFFICE OF THE DIRECTOR OF
DEFENSE RESEARCH AND ENGINEERING

WASHINGTON, DC 20301

30 OCT 1975

MEMORANDUM FOR DOD POINTS OF CONTACT FOR SCIENTIFIC AND TECHNICAL
INFORMATION

SUBJECT: Contract Provisions for Providing Technical Reports to
the Defense Technical Information Center

In the last several years the Federal procurement community has adopted an acquisition regulation framework that incorporates Federal wide procurement language into the Federal Acquisition Regulation (FAR) and (in the case of DoD) incorporates Defense unique or Defense different procurement language in the Defense Supplement to the Federal Acquisition Regulation (DFAR). This is the case with FAR and DFAR language concerning the requirements for contractors to provide copies of scientific and technical reports to the National Technical Information Service (NTIS) and the Defense Technical Information Center (DTIC). The language in the FAR instructs Government contractors to provide copies of reports to NTIS that are intended for general public access. The DFAR instructs Defense contractors to provide copies of all reports to DTIC. Please note that in accordance with DoD Directive 3200.12 this includes all documents approved for public release, all documents marked with other, "Distribution Statements" in accordance with DoD Directive 5230.24, (commonly identified as unclassified but limited), and classified documents up to the classification level of "Secret".

The FAR and DFAR language does not provide conflicting guidance or instructions. First, DoD acquisition activities should be using the DFAR language not the FAR. Second, if a DoD activity utilizes another Federal agency for acquisition support, then the DoD activity should advise the acquisition activity to use the DFAR language. Third, DTIC is established by DoD to serve the Defense community. NTIS is not intended to furnish DoD documents to the Defense community, DTIC does. In that regard, DTIC is structured to provide copies of documents to the Defense community at significantly less cost than NTIS. After

a final screening, DTIC furnishes all publicly releasable reports to the NTIS. We don't want DoD contractors to duplicate this effort. We don't want DTIC to be bypassed by direct delivery to NTIS because it diminishes DTIC's support to the Defense community, and it subverts DoD's last technology screening effort performed by DTIC that DoD has imposed to preclude an inadvertent release of restricted technology to the general public.

Please ensure widest possible dissemination of this memorandum to scientific and technical information personnel and procurement personnel in your organizations.

David A. Appler

DAVID A. APPLER
Staff Specialist
Scientific and Technical
Information Policy

(ii) The contracting officer must obtain USD(A&T) approval of the Government's prenegotiation position before negotiations begin and must obtain USD(A&T) approval of the negotiated agreement with the contractor before the agreement is executed for any action that is--

- (A) An increase of more than \$250 million in the price of ceiling price of a fixed-price type development contract, or a fixed-price type contract for the lead ship of a class;
- (B) A reduction in the amount of work under a fixed-price type development contract or a fixed-price type contract for the lead ship of a class, when the value of the work deleted is \$100 million or more; or
- (C) A repricing of fixed-price type production options to a development contract, or a contract for the lead ship of a class, which increases the price or ceiling price by more than \$250 million for equivalent quantities.

(iii) Notify the USD(A&T) of an intent not to exercise a fixed-price production option on a development contract for a major weapon system reasonably in advance of the expiration of the option exercise period.

(iv) A cost-sharing arrangement (See FAR 16.303) must be used for contracts awarded in support of the Manufacturing Technology Program, unless an alternative is approved by the Secretary of Defense (10 U.S.C. 2525). Approval by the Secretary of Defense to use other than a cost-sharing arrangement for the Manufacturing Technology Program must be based on a determination that the contract is for a program that--

- (A) Is not likely to have any immediate and direct commercial application; or
- (B) Is of sufficiently high risk to discourage cost-sharing by non-Federal Government sources; or,
- (C) Will be carried out by an institution of higher education.

235.007 Solicitations.

(g) To ensure that prospective offerors fully understand the details of the work, the contracting officer may include the Government's estimate of the man-year effort under a research contract.

235.010 Scientific and technical reports.

(b) The Defense Technical Information Center (DTIC) is responsible for collecting all scientific or technological observations, findings, recommendations, and results derived from DoD endeavors, including both in-house and contracted efforts. The DTIC has eligibility and registration requirements for use of its services. Requests for eligibility and registration information should be addressed to DTIC-BCS, 8725 John J Kingman Road, Suite 0944, Fort Belvoir, VA 22060-0944.

235.015 Contracts for research with educational institutions and nonprofit organizations.

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252.235-7010 Acknowledgment of Support and Disclaimer.

As prescribed in 235.071(c), use the following clause:

ACKNOWLEDGMENT OF SUPPORT AND DISCLAIMER (MAY 1995)

(a) The Contractor shall include an acknowledgment of the Government's support in the publication of any material based on or developed under this contract, stated in the following terms: This material is based upon work supported by the (name of contracting agency(ies)) under Contract No. (Contracting agency(ies) contract number(s)).

(b) All material, except scientific articles or papers published in scientific journals, must, in addition to any notices or disclaimers by the Contractor, also contain the following disclaimer: Any opinions, findings and conclusions or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the (name of contracting agency(ies)).

(End of clause)

252.235-7011 Final Scientific or Technical Report.

As prescribed in 235.071(d), use the following clause:

FINAL SCIENTIFIC OR TECHNICAL REPORT (SEP 1999)

The Contractor shall submit two copies of the approved scientific or technical report delivered under this contract to the Defense Technical Information Center (DTIC), Attn: DTIC-OC, 8725 John J. Kingman Road, Suite 0944, Fort Belvoir, VA 22060-6218. The Contractor shall include a completed Standard Form 298, Report Documentation Page, with each copy of the report. For submission of reports in other than paper copy, contact the Defense Technical Information Center, Attn: DTIC-OC, 8725 John J. Kingman Road, Suite 0944, Fort Belvoir, VA 22060-6218.

(End of clause)

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Defense Acquisition Circular 91-10

This Page last updated in or before DAC 09

SUBPART 227.71--RIGHTS IN TECHNICAL DATA

227.7100 Scope of subpart.

This subpart--

(a) Prescribes policies and procedures for the acquisition of technical data and the rights to use, modify, reproduce, release, perform, display, or disclose technical data. It implements requirements in the following laws and Executive Order:

- (1) 10 U.S.C. 2302(4).
- (2) 10 U.S.C. 2305 (subsection (d)(4)).
- (3) 10 U.S.C. 2320.
- (4) 10 U.S.C. 2321.
- (5) 10 U.S.C. 2325.
- (6) Pub. L. 103-355.
- (7) Executive Order 12591 (Subsection 1(b)(6)).

(b) Does not apply to computer software or technical data that is computer software documentation (see Subpart 227.72).

227.7101 Definitions.

(a) As used in this subpart, unless otherwise specifically indicated, the terms "offeror" and "contractor" include an offeror's or contractor's subcontractors, suppliers, or potential subcontractors or suppliers at any tier.

(b) Other terms used in this subpart are defined in the clause at 252.227-7013, Rights in Technical Data--Noncommercial Items.

227.7102 Commercial items, components, or processes.

Section 2320(b)(1) of Title 10 U.S.C. establishes a presumption that commercial items are developed at private expense whether or not a contractor submits a justification in response to a challenge notice. Therefore, do not challenge a contractor's assertion that a commercial item, component, or process was developed at private expense unless the Government can demonstrate that it contributed to development of the item, component or process. Follow the procedures in 227.7103-13 and the clause at 252.227-7037, Validation of Restrictive Markings on Technical Data, when information provided by the Department of Defense demonstrates that an item, component, or process was not developed exclusively at private expense. However, when a challenge is warranted, a contractor's or subcontractor's failure to respond to the challenge notice cannot be the sole basis for issuing a final decision denying the validity of an asserted restriction.

227.7102-1 Policy.

(a) DoD shall acquire only the technical data customarily provided to the public with a commercial item or process, except technical data that--

- (1) Are form, fit, or function data;
- (2) Are required for repair or maintenance of commercial items or processes, or for the proper installation,

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Contracting officers shall not issue a solicitation for audit services unless the requiring activity provides evidence that the cognizant DoD audit organization has approved the statement of work. The requiring agency shall obtain the same evidence of approval for subsequent material changes to the statement of work.

(d) *Solicitation provisions and contract clauses.*

(1) Use the provision of 252.237-7000, Notice of Special Standards of Responsibility, in solicitations for audit services.

(2) Use the clause at 252.237-7001, Compliance with Audit Standards, in solicitations and contracts for audit services.

237.271 Management controls.

DoD procedures are in DoDD 4205.2, DoD Contracted Advisory and Assistance Services.

237.272 Requesting activity responsibilities.

(b) On acquisitions for studies, the purchase request package must contain a signed statement from the technical officer responsible for the study stating that the Defense Technical Information Center (DTIC) and other information sources have been queried, that evidence of those queries are on file, and no existing scientific or technical report could fulfill the requirement.

(c) The authority, without redelegation authority (see DoDD 4205.2), to approve the use of advisory and assistance services in contracts over \$50,000 is--

(i) An SES manager;

(ii) A general or flag officer;

(iii) An officer in 0-6 grade filling a general or flag officer level position; or

(iv) An officer in 0-6 grade who has subordinate SES personnel.

SUBPART 237.70--MORTUARY SERVICES

237.7000 Scope.

This subpart contains acquisition procedures for contracts for mortuary services (the care of remains) for military personnel within the United States. Departments/agencies may use these procedures as guidance in areas outside the United States for both deceased military and civilian personnel.

237.7001 Method of acquisition.

(a) *Requirements type contract.*

By agreement among the military activities, one activity in each geographical area will contract for the estimated requirements for the care of remains for all military activities in the area. Use a requirements type contract (see FAR 16.503) when the estimated annual requirements for the activities in the area are ten or more.

(b) *Purchase order.*

Where no contract exists, use DD Form 1155, Order for Supplies and Services/Request for Quotations, to obtain mortuary services.

237.7002 Area of performance.

Determine and define the geographical area to be covered by the contract using the following general guidelines--

(a) Use political boundaries, streets, or other features as demarcation lines.

(b) The size should be roughly equivalent to the contiguous metropolitan or municipal area enlarged to include the activities served.

(c) If the area of performance best suited to the needs of a particular contract is not large enough to include a carrier terminal commonly used by people within such area, the contract area of

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**SUBPART 235.70—RESEARCH AND DEVELOPMENT STREAMLINED
CONTRACTING PROCEDURES**

235.7000 Scope.

This subpart prescribes streamlined procedures for acquiring research and development, using a standard solicitation and contract format and the capabilities of the World Wide Web.

235.7001 Definitions.

As used in this subpart—

(a) “Research and development streamlined contract (RDSC)” means—

(1) A contract that results from use of the research and development streamlined solicitation; or

(2) Any other contract prepared in the standard format published at the RDSS/C website.

(b) “Research and development streamlined solicitation (RDSS)” means a solicitation issued in accordance with 235.7003.

(c) “RDSS/C website” means the site on the World Wide Web at “<http://www.rdss.osd.mil/>” where research and development streamlined solicitation and contracting information is published.

235.7002 Applicability.

(a) Except as provided in paragraph (b) of this section, consider using the procedures in this subpart for acquisitions that—

(1) Will result in the award of a cost-reimbursement contract; and

(2) Meet the criteria for research and development as defined in 235.001 and FAR 35.001.

(b) Do not use the procedures in this subpart for —

(1) Contracts to be performed outside the United States and Puerto Rico;

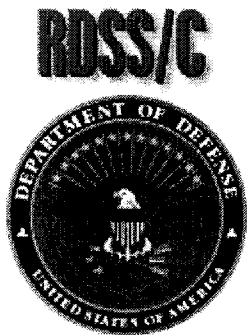
(2) Contracts denominated in other than U.S. dollars;

(3) Acquisitions using simplified acquisition procedures;

(4) Acquisition of engineering and manufacturing development, management support, or operational system development, as defined in 235.001; or

(5) Acquisition of laboratory supplies and equipment, base support services, or other services identified in paragraphs (a) through (h) of the definition of “service contract” at FAR 37.101.

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[A Brief Summary of Links](#)
[Upload Area\(restricted\)](#)

Research and Development Streamlined Solicitations/ Contracts

[Home Page](#)
[Solicitation List](#)
[Standard RDSS/C Format](#)
[Section K Reps & Certs](#)
[Archives](#)
[Forms](#)
[FAQ](#)
[Procurement Library](#)
[Related Sites](#)
[Central Contractor Registration](#)
[Feedback/Comments](#)

[Please read this Privacy and Security Notice.](#)

Welcome to the RDSS/C homepage! The purpose of this site is to provide a standard, streamlined format for research and development solicitations in order to simplify the solicitation, negotiation and award process for industry, academia, and DoD. A traditional paper solicitation will not be issued; instead, the solicitation will appear solely on the site.

Solicitations will be prepared in accordance with [paragraph \(A.1\)](#) of the format which incorporates the terms and conditions and proposal preparation information by reference. In an effort to provide "one face to industry," the standard format may be used for all R&D contract awards that meet the scope and applicability of the RDSS/C at [DFARS 235.70](#).

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Standard RDSS/C Format Version 1998-04

(Current through FAC 97-08 (excluding 97-07), DFARS 1998 Edition, DFARS Change Notice 19981014, and DDP Class Deviation 98-00011 (excluding 00006 and 00009))

Research and Development Streamlined Solicitation/Contract (RDSS/C) Format.

Part I -The Schedule.

Section A, Solicitation/Contract Form.

(A.1) Research and development streamlined solicitation (RDSS). The solicitation consists of the information listed in this paragraph and incorporates by reference the appropriate terms and conditions from the full format. Include the following in the RDSS:

- (i) Solicitation number;
- (ii) Name, address, and telephone number of contracting officer and, if applicable, the primary point of contact for the solicitation;
- (iii) A statement that award will be made in accordance with DFARS Subpart 235.70, Research and Development Streamlined Contracting Procedures;
- (iv) A statement that all of the mandatory terms, clauses, and provisions, and certain asterisked terms, clauses, and provisions are incorporated by reference. This statement must list the asterisked terms, clauses and provisions that apply at the RDSS/C website and must include the version number of the RDSS/C format. (For example: "All of the mandatory terms, clauses and provisions at the Research and Development Streamlined Solicitation/Contract format, Version 1998-04 and the following items listed therein for use as applicable are incorporated by reference: B.4, C.2, E.3, I.C.8, I.C.10.") Additions to and deletions from the clauses and provisions listed in the RDSS/C format, and data required to be inserted in blanks in clauses or solicitation provisions, when known at the time the solicitation is published, must be clearly annotated in the RDSS;

Section H, Special Contract Requirements.

- (H.1) Incorporation of Section K (OCT 1998). Section K of the solicitation is hereby incorporated by reference.
- (H.2) Scientific/Technical Information (OCT 1998). If not already registered, the Contractor is encouraged to register for Defense Technical Information Center (DTIC) service by contacting the following:

Defense Technical Information Center
Attn: Registration Section (DTIC-BCS)
8725 John J. Kingman Road, Suite 0944
Fort Belvoir, VA 22060-6218
(703) 767-8273 or 1-800-CAL-DTIC (225-3842), menu selection 2

To avoid duplication of effort and conserve scientific and technical resources, the Contractor is encouraged to search existing sources in DTIC to determine the current state of the art concepts, studies, etc.

- *(H.3) Rent-Free Use of Government Property (OCT 1998). The Contractor may use on a rent-free, noninterference basis, as necessary for the performance of this contract, the Government property accountable under contract(s) _____. The Contractor is responsible for scheduling the use of all property covered by the above referenced contract(s) and the Government shall not be responsible for conflicts, delays, or disruptions to any work performed by the Contractor due to use of any or all such property under this contract or any other contracts under which use of such property is authorized.
- *(H.4) Government-Furnished Property (OCT 1998). The Government will furnish to the Contractor for use in the performance of the contract on a rent-free basis the Government-owned property listed in an attachment to this contract, subject to the provisions of the Government Property Clause of the Contract Clauses.
- *(H.5) Nonstandard Clause(s) (OCT 1998). *(Insert nonstandard clause(s) approved in accordance with agency procedures, if applicable.)*

52.232-25	Prompt Payment (JUN 1997)
52.233-3	Protest After Award (AUG 1996) - Alternate I (JUN 1985)
52.242-1	Notice of Intent to Disallow Costs (APR 1984)
52.242-4	Certification of Final Indirect Costs (JAN 1997)
52.242-13	Bankruptcy (JUL 1995)
52.244-2	Subcontracts (AUG 1998) - Alternate I (AUG 1998)
52.244-5	Competition in Subcontracting (DEC 1996)
52.244-6	Subcontracts for Commercial Items and Commercial Components (APR 1998)
52.247-1	Commercial Bill of Lading Notations (APR 1984)
52.249-14	Excusable Delays (APR 1984)
52.252-2	Clauses Incorporated by Reference (FEB 1998) (fill in: http://www.rdss.osd.mil)
52.253-1	Computer Generated Forms (JAN 1991)
252.201-7000	Contracting Officer's Representative (DEC 1991)
252.203-7001	Special Prohibition on Employment (JUN 1997)
252.204-7003	Control of Government Personnel Work Product (APR 1992)
252.204-7004	Required Central Contractor Registration (MAR 1998)
252.209-7000	Acquisition from Subcontractors Subject to On-Site Inspection under the Intermediate-Range Nuclear Forces (INF) Treaty (NOV 1995)
252.209-7004	Subcontracting with Firms that are Owned or Controlled by the Government of a Terrorist Country (MAR 1998)
252.225-7012	Preference for Certain Domestic Commodities (SEP 1997)
252.225-7031	Secondary Arab Boycott of Israel (JUN 1992)
252.227-7016	Rights in Bid or Proposal Information (JUN 1995)
252.227-7030	Technical Data - Withholding of Payment (OCT 1988)
252.227-7036	Declaration of Technical Data Conformity (JAN 1997)
252.227-7037	Validation of Restrictive Markings on Technical Data (NOV 1995)
252.231-7000	Supplemental Cost Principles (DEC 1991) <i>(Except educational institutions)</i>
252.232-7009	Payment by Electronic Funds Transfer (CCR) (JUN 1998)
252.235-7010	Acknowledgement of Support and Disclaimer (MAY 1995)
252.235-7011	Final Scientific or Technical Report (MAY 1995)
252.242-7000	Postaward Conference (DEC 1991)
252.243-7002	Requests for Equitable Adjustment (MAR 1998)
252.247-7023	Transportation of Supplies by Sea (NOV 1995)
*(I.C.1)	52.204-2 Security Requirements (AUG 1996)
*(I.C.2)	52.204-2 Security Requirements (AUG 1996) - Alternate I (APR 1984) <i>(For educational institutions)</i>

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The following notice applies to any unclassified (including originally classified and now declassified) technical reports released to "qualified U.S. contractors" under the provisions of DoD Directive 5230.25, Withholding of Unclassified Technical Data From Public Disclosure.

NOTICE TO ACCOMPANY THE DISSEMINATION OF EXPORT-CONTROLLED TECHNICAL DATA

1. Export of information contained herein, which includes, in some circumstances, release to foreign nationals within the United States, without first obtaining approval or license from the Department of State for items controlled by the International Traffic in Arms Regulations (ITAR), or the Department of Commerce for items controlled by the Export Administration Regulations (EAR), may constitute a violation of law.
2. Under 22 U.S.C. 2778 the penalty for unlawful export of items or information controlled under the ITAR is up to two years imprisonment, or a fine of \$100,000, or both. Under 50 U.S.C., Appendix 2410, the penalty for unlawful export of items or information controlled under the EAR is a fine of up to \$1,000,000, or five times the value of the exports, whichever is greater; or for an individual, imprisonment of up to 10 years, or a fine of up to \$250,000, or both.
3. In accordance with your certification that establishes you as a "qualified U.S. Contractor", unauthorized dissemination of this information is prohibited and may result in disqualification as a qualified U.S. contractor, and may be considered in determining your eligibility for future contracts with the Department of Defense.
4. The U.S. Government assumes no liability for direct patent infringement, or contributory patent infringement or misuse of technical data.
5. The U.S. Government does not warrant the adequacy, accuracy, currency, or completeness of the technical data.
6. The U.S. Government assumes no liability for loss, damage, or injury resulting from manufacture or use for any purpose of any product, article, system, or material involving reliance upon any or all technical data furnished in response to the request for technical data.
7. If the technical data furnished by the Government will be used for commercial manufacturing or other profit potential, a license for such use may be necessary. Any payments made in support of the request for data do not include or involve any license rights.
8. A copy of this notice shall be provided with any partial or complete reproduction of these data that are provided to qualified U.S. contractors.

D E S T R U C T I O N N O T I C E

For classified documents, follow the procedures in DoD 5200.22-M, Industrial Security Manual, Section II-19 or DoD 5200.1-R, Information Security Program Regulation, Chapter IX. For unclassified, limited documents, destroy by any method that will prevent disclosure of contents or reconstruction of the document.

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NOTICE OF AVAILABILITY

ANSI/NISO Z39.18-1995, *Scientific and Technical Reports - Elements, Organization, and Design* is the recommended guideline for publishing technical reports. A copy of the document

1. can be downloaded from the Internet:

<http://www.niso.org/>

2. purchased directly from:

NISO Press, Techstreet
310 Miller Avenue
Ann Arbor, MI 48103

1-800-699-9277

3. obtained through DTIC's DOD STINFO Manager Training Course.

NOTICE OF AVAILABILITY

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NOTICE OF AVAILABILITY

ANSI/NISO Z39.23-1997, *Standard Technical Report Number Format and Creation* is the recommended guideline for publishing technical reports. A copy of the document

1. can be downloaded from the Internet:

<http://www.niso.org/>

2. purchased directly from:

NISO Press, Techstreet
310 Miller Avenue
Ann Arbor, MI 48103

1-800-699-9277

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Army Technical and Industrial Liaison Offices

Commander

ATTN: AMCRDA-AI-TILO (Anne Kinkella)

5001 Eisenhower Ave.

Alexandria, VA 22333-0001

(703) 617-8948 Fax: (703) 617-2235

<http://www.amc.army.mil/amc/rda/tilomenu.html> (changed 6/98)

U.S. Army Armament RD&E Center

ATTN: AMSTA-AR-ASC

Picatinny Arsenal, NJ 07806-5000

Phone: (973) 724-7349 Fax: (973) 724-2934

U.S. Army Tank-Automotive RD&E Center

ATTN: AMSTA-TR-R; MS 205

Warren, MI 48397-5000

Phone: (810) 574-5758 Fax: (810) 574-7636

U.S. Army Soldier Biological and Chemical Command

Edgewood Chemical Biological Center

ATTN: SCBRD-ASC

5232 Fleming Rd

Aberdeen Proving Ground, MD 21010-5423

Phone: (410) 436-2031 Fax: (410) 436-6529

U.S. Army Soldier Biological and Chemical Command

Natick Soldier Center

ATTN: AMSSB-REO-S (N)

Natick, MA 01760-5015

Phone: (508) 233-5431 Fax: (508) 233-5086

U.S. Army Communications-Electronics Command

ATTN: AMSEL-AC-SP-BL

Ft. Monmouth, NJ 07703-5008

Phone: (732) 532-2671 Fax: (732) 532-9095

U.S. Army Aviation and Missile Command

ATTN: AMSMI-RD-TI

Redstone Arsenal, AL 35898-5243

Phone: (205) 876-4270 Fax: (205) 876-8866

U.S. Army Research Laboratory

ATTN: AMSLC-PP-LM

2800 Powder Mill Rd

Adelphi, MD 20783-1145

Phone: (301) 394-3880 Fax: (301) 394-1162/2416

U.S. Army Simulation, Training and Instrumentation Command

ATTN: AMSTI-CSP

12350 Research Parkway

Orlando, FL 32826-3276

Phone: (407) 384-5107 Fax: (407) 384-5130

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**DEFENSE ADVANCED RESEARCH PROJECTS AGENCY (DARPA)
POTENTIAL CONTRACTOR PROGRAM**

Defense Advanced Research Projects Agency
ATTN: ASBD/TIO
3701 N Fairfax Drive
Arlington, VA 22203-1714
(703) 526-4163
technical information office@darpa.mil

**ARMY MATERIEL COMMAND
TECHNICAL & INDUSTRIAL LIASION OFFICE**

ATTN: AMCRDA-AI-TILO
5001 Eisenhower Ave.
Alexandria, VA 22333-0001
(703) 617-8948
Fax: (703) 617-2235
<http://www.amc.army.mil/amc/rda/tilomenu.html>

**NAVY ACQUISITION RESEARCH AND DEVELOPMENT INFORMATION
CENTER(NARDIC) - POTENTIAL CONTRACTOR PROGRAM (NPCP)**

Navy Acquisition Research & Development Information Center

Mailing : Office of Naval Research	Physical: 801 N. Randolph St.
Attn: NARDIC (Code 362)	BT-2, Room 112
800 N. Quincy St. BT-1	Arlington, VA 22203
Arlington, VA 22217-5660	

(703) 588-2826
Fax: (703) 588-2833
<http://nardic.onr.navy.mil/>
Manager: Ms. Louise Rice
RICEL@onr.navy.mil

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**Air Force Office of Research and Technology Applications (ORTA) POCs****Air Force ORTA****Air Force Program Manager**

AFRL/XPTT

Doug Blair

1864 4th St, Ste 1

Wright-Patterson AFB, OH

45433-7131

Air Force ORTA Contact

PHONE: 937-656-9176

FAX: 937-255-2329

EMAIL: douglas.blair@wpafb.af.mil**Air Force Research Laboratory**

AFRL/XPTT

Doug Blair

1864 4th St, Ste 1

Wright-Patterson AFB, OH

45433-7131

PHONE: 937-656-9176

FAX: 937-255-2329

EMAIL: douglas.blair@wpafb.af.mil**Arnold Engineering Test Center**

AEDC/DOT

Robert Crook

1099 Avenue C

Arnold AFB, TN

37389-9011

PHONE: 615-454-6510

FAX: 615-454-3539

EMAIL: bob.crook@arnold.af.mil**Flight Test Center**

AFFTC/XPST

Kurt Buehler

195 E. Popson Ave

Edwards AFB, CA

93524-6842

PHONE: 661-275-9271

FAX: 661-275-7135

EMAIL: kurt.buehler@edwards.af.mil**Office of Scientific Research**

AFOSR/XPP

Dr. Chuck Chatlyne

801 N. Randolph St.

Arlington, VA

PHONE: 703-696-9558

FAX: 703-696-7364

EMAIL: chuck.chatlyne@afosr.af.mil

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Directed Energy Directorate

AFRL/DEOB

Dr. William Latham

Bldg. 499, Rm 115a

3550 Aberdeen Av SE

Kirtland AFB, NM

87117-5776

PHONE: 505-856-1776

FAX: 505-853-4003

EMAIL: latham@plk.af.mil**Human Effectiveness****Directorate**

AFRL/HEOX

Scott Hall

2610 Seventh St.

Wright-Patterson AFB, OH

45433-7008

PHONE: 937-255-4649 x231

FAX: 937-255-7125

EMAIL: scott.hall@wpafb.af.mil**Information Directorate**

AFRL/IFB

LtCol Franklin Hoke

26 Electronic Parkway

Rome, NY

13441-4514

PHONE: 315-330-3470

FAX: 315-330-3022

EMAIL: franklin.hoke@rl.af.mil**Materials & Manufacturing****Directorate**

AFRL/MLOP

Greg McGath

2977 P St., RM 406

Wright Patterson AFB, OH

45433-7746

PHONE: 937-255-5669

FAX: 937-256-1422

EMAIL: Gregory.McGath@wpafb.af.mil**Munitions Directorate**

AFRL/MNOB

Paulette Risher

101 West Eglin Blvd Ste 140

Eglin AFB, FL

32542-6810

PHONE: 850-882-8591 x1252

FAX: 850-882-8594

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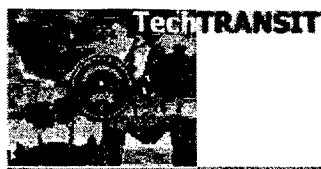
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FINDING STINFO DOCUMENTATION ELECTRONICALLY - A SAMPLING

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3. Military Service Publications:

Air Force: <http://afpubs.hq.af.mil/>
Navy: <http://neds.nebt.daps.mil/>
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NASA/DoD AEROSPACE KNOWLEDGE DIFFUSION RESEARCH PROJECT

Fact Sheet

The production, transfer, and use of scientific and technical information (STI) is an essential part of aerospace R&D. We define STI production, transfer, and use as *Aerospace Knowledge Diffusion*. Studies tell us that timely access to STI can increase productivity and innovation and help aerospace engineers and scientists maintain and improve their professional skills. These same studies remind us that we know little about aerospace knowledge diffusion or about how aerospace engineers and scientists find and use STI. To learn more about this process, we have organized a research project to study knowledge diffusion. Sponsored by NASA and the Department of Defense (DoD), the NASA/DoD Aerospace Knowledge Diffusion Research Project is being conducted by researchers at the NASA Langley Research Center, the Indiana University Center for Survey Research, and Rensselaer Polytechnic Institute. This research is endorsed by several aerospace professional societies including the AIAA, RAeS, and DGLR and has been sanctioned by the AGARD and AIAA Technical Information Panels.

This 4-phase project is providing descriptive and analytical data regarding the flow of STI at the individual, organizational, national, and international levels. It is examining both the channels used to communicate STI and the social system of the aerospace knowledge diffusion process. Phase 1 investigates the information-seeking habits and practices of U.S. aerospace engineers and scientists and places particular emphasis on their use of government funded aerospace STI. Phase 2 examines the industry-government interface and places special emphasis on the role of the information intermediary in the knowledge diffusion process. Phase 3 concerns the academic-government interface and places specific emphasis on the information intermediary-faculty-student interface. Phase 4 explores the information-seeking behavior of non-U.S. aerospace engineers and scientists from Brazil, Western Europe, India, Israel, Japan, and the Soviet Union.

The results will help us to understand the flow of STI at the individual, organizational, national, and international levels. The results of our research will contribute to increasing productivity and to improving and maintaining the professional competence of aerospace engineers and scientists. They can be used to identify and correct deficiencies, to improve access and use, to plan new aerospace STI systems, and should provide useful information to R&D managers, information managers, and others concerned with improving access to and utilization of STI. The results of our research are being shared freely with those who participate in the study. You can get copies of the project publications by contacting Dr. Pinelli.

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**NASA/DoD AEROSPACE KNOWLEDGE
DIFFUSION RESEARCH PROJECT**

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